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HON. J. B. C. LUCAS.

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LETTERS

OF

HON. J. B. C. LUCAS

FROM 1815 TO 1836.

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COMPILED AND PUBLISHED BY HIS GRANDSON,  
JOHN B. C. LUCAS,

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ST. LOUIS, MO.  
1905.

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Missouri Hist. Soc.  
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## Letters of Hon. J. B. C. Lucas from 1815 to 1836.

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St. Louis, Augt. 10th, 1817.

Wm. Lucas,

Dear Wm.:—Your two letters to me are of the 7th of June and 4th of July last. My two last to you are of the 30th of June, and 5th of July, the last of which has been put in the hands of Mr. Von Phul with \$50.00 for you. I purpose to send you soon, \$50.00 more. At the expiration of the present session I advise you to go to the College of Washington and remain there during the winter session. These are to be the last six months of your college study. As your mind becomes more strong and mature, these remaining six months ought to be more beneficially employed than ever. Let me know what sum is necessary for mathematical instruments.

That your health be not materially impaired by close application I think it to be necessary to exercise your body by occasional hunting. You will thereby combine strength with agility and adroitness. A fowling piece would be preferable to shoot flying and running. I will allow you about eighteen dollars for a gun and a half of a dollar per week for lead and powder. You must promise me to keep your gun clean and in good order, and not depart from that way of spending your leisure hours, which must be done not less than once a week.

I wish that in your next you be explicit as to your choice of a profession. If you incline to the profession of the law you will certainly go in the spring to Litch-

field to attend the lectures of Reeves during one year, in the meantime I must observe you that lawyers are flocking here from all parts. The profession here will soon be overstocked.

Your brother Charles holds out well, and by his practice and speculation in lands, is getting rich fast. The number of his enemies is daily increasing.

I remember to have mentioned you that probably on his return from the United States he would be engaged in most serious difficulties. You appeared to me much concerned and expressed a wish to be here present to see or perhaps to aid or assist. I showed him your letter because your sentiments bespoke, in my opinion, your hearty concern for him. He took it amiss not knowing probably that I had given occasion to these by my previous communications to you of what I expected would take place. It appears that he has censured you judging from one of your letters to him which he has shown me. I wish you to believe that I never intended the effect which has been produced in giving him to read the letter which you wrote me. I thought that instead of censure he would have given you credit, but be it as it may, he is certainly your most ardent friend, and as to me I shall in future keep to myself your communications. I repeat to you again that Charles is perhaps more critically situated than before.

If you should prefer to learn brewing beer or stilling in the best manner, such as cordials and gin, grain being abundant here and more so in time to come, this, together with the easy and prompt means of exportation, great business might be done here. I am informed that such stilling is carried to great perfection in New York and to great advantage. I would have you to learn this business either at New York or



Philadelphia. I could afford you a convenient site and some capital. Edward Hempstead died last night after a complaint of a few hours of a violent headache.

J. Scott has a great majority so far, on Easton for delegate to Congress. Great excesses have been committed here during the election and since.

I have received a letter from the Principal of the college of St. Thomas. Upon the whole, James has greatly gained there. He is to come back in October. We will have him in a state of probation during this winter to ascertain his disposition. Bignon Gratiot is arrived from that place. Gustave Soulard is on his way returning. Bignon says that James learns with much facility; that he is active and studious; always ardent; that he is much altered for the better.

We will keep him very busy this winter and if he deserves to be trusted, I shall send him in the spring to a college in New England.

Adieu,

J. B. C. L.

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St. Louis, Augt. 18, 1817.

Wm. Lucas,

My dear son:—Your letter of the 22d July has come to hand by last mail. My last to you is of 10th instant. I hope that by this time you have recovered your health. I am astonished at the number of deaths during so short a time in or about your village. I repeat to you that I am perfectly agreed at your leaving Canonsburgh to continue your studies at Washington during next session. I recommend you earnestly to study during the whole time, Chemistry and Mathematics. I expect from you a compliance with my directions

and frankness and sincerity in your communications that you may receive an immediate benefit from my experience and affection.

I here enclose fifty dollars, Pittsburgh Bank. I shall send you fifty more soon. You will procure yourself without delay, the mathematical instruments that are necessary and a good fowling piece. As I told you before the gun must be a great exercise will enable you to bear better with stillness and close application. We are here in a daily expectation of the arrival of a Roman Catholic Bishop and several priests. It is uncertain what part of the country the Bishop will select for his residence. He is a man of distinguished talents and personal accomplishments.

Charles has fought a duel on the 12th inst. early in the morning with Colonel Benton, a gentleman of the bar. Charles was wounded, a bullet entered his neck near the throat on the left side of it and came out about an inch and a half distant from the place it entered in a declining direction. He lost good yield of blood; almost fainted. He became dim for a few minutes and although he had declared that he was not satisfied, and directed that his pistol be loaded again, he was disabled from continuing the fight.

I was then at my farm and came late in the evening of same day. On my return I heard of the affair; that he was in bed at Mr. Easton's and was anxious to see me. I went immediately and found him in excellent spirits but very hoarse. I entertained serious apprehensions of the wind pipe or other muscles being materially impaired, however, I found his voice in the next morning as it ought to be. The doctors pronounced that the state of his blood was good. He is recovering very fast. He could not have a more narrow escape.

- × He just now has come to our house for the first time. He has hit his adversary's leg a little below the knee, near the center of the bone. It has not cut the cloth of his pantaloons, it has only produced the effect of a bruise by raising a blister of blood. The powder must have been weak. Benton has been confined two or three days and when he went out first, he has, though involuntarily, let out some symptoms of momentary lameness.

When you write to Charles do as if you knew nothing of these. You must have seen Mr. Von Phul about the 1st of Augt.

Adieu,  
J. B. C. L.

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St. Louis, 29th Sept., 1817.

Wm. Lucas,

My dear son:—We have met with an irreparable loss. Your brother Charles is no more. He fell last Saturday early in the morning, in a single combat with his former antagonist, Col. Benton. His enemies have at last succeeded to have him killed, but none of them could subdue him.

He loved you as much as I myself do, and his existence was more necessary to you than mine. His irreproachable character, his sterling worth, the fair prospects that his eminent qualities would be rewarded and public esteem made him the mark of envy.

You and James have been the particular objects of his last will. He has directed a certain part of his property to be made productive, and the proceeds to be applied to the education of you and James until 1824.

when the whole is to be divided amongst his heirs at law.

I am going to write to John Colton Smith, former governor of Connecticut for the purpose of ascertaining when the course of lectures on law commences at Litchfield, that I may give you information thereof, leaving to you to take such a determination as you may think best.

I have sent money to James to enable him to come back home. I expect to see him in the course of two weeks. Several of his schoolmates have returned here. All of them make a very favorable report of him.

I here enclose fifty dollars in four bank notes. You have received before this time my letter to you of the 18th ultimo, enclosing fifty dollars.

Mr. Tharp has shot dead Wm. Smith, &c.

I have called upon all the fortitude I may possess to bear my misfortune. Do the same. I solace myself with the hope that you will continue to pursue a correct conduct and that you will be an example to James who I hope is in a fair way of reform. We will draw more closely, if possible, the ties that unite us. Adrian is much depressed.

I love you dearly.

J. B. C. L.

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St. Louis, October 2d, 1817.

Joshua Barton,

Sir:—As there remains nothing of my late son Charles Lucas but his reputation, and as it is my sacred duty to defend and protect it, I beg leave to apply to you for information on some particulars relating to his differences with Mr. Benton.

1st. Please to state what day you did notify Mr. Lawless that Charles Lucas was sufficiently recovered of his wound to meet Col. Benton, and what time of the day this notification was given. State fully what you said on that subject, how direct and explicit you were. Be pleased to relate whether Charles appeared cool and collected when he took his ground at the last interview with Benton; if both fired at the same time, or if not, who fired the soonest. What were the words Mr. Benton addressed Charles after he fell? What was said or replied by Charles to Benton? What were the last words Charles uttered?

N. B.—Be pleased to give me a copy of the notes of Charles to Benton and this or his last to Charles.

J. B. C. L.

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St. Louis, October 4th, 1817.

Doctor Quarles,

Sir:—As there remains nothing of my late son Charles Lucas but his reputation and as every particular relating to it is of the highest concern to me, I beg leave to put a few questions to which I hope you will be pleased to answer as far as you know.

Did Charles appear cool and collected when he took his ground or distance at his first interview with Col. Benton? Was he wounded? Be pleased to describe the wound he received, the distance there was between the place the bullet entered and the place it came out?

Was it your opinion that the wound disabled Charles to continue the fight to an equal advantage?

Did Charles appear cool and collected when he took his ground or distance at his last interview with Mr. Benton?

Did both fire at the same time and if not, who fired first?

What were the words which Mr. Benton addressed Charles Lucas after he fell? What was said or replied by Charles Lucas to Benton? What were the last words Charles Lucas uttered?

J. B. C. L.

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St. Louis, April 28th, 1817.

Wm. Lucas,

Your letter of the 24th March has come to hand by last mail. My last to you before this is of the tenth of March. I had not expected that you would quit reading Latin so abruptly, at any rate it seems to me you ought to have continued until the end of this session. I fully approve your design to read some Latin in your room, for otherwise what little you know might soon be forgotten. This design ought to be immediately reduced into practice. You ought also combine the study of Belles Letters such as rhetoric, &c. You ought to read some treatise of logic, ethics, &c., and you ought to continue the study of mathematics as long as you remain in college. If you need mathematical instruments, let me know it and state what they may cost. You ought to remain at the college not less than one year from the end of this winter's session. I am more and more astonished at not receiving the statement of your expenditures since your last account of the 20th of June, 1816. You cannot have forgotten that I required of you such a statement every six months. The one contained in your last letter is not entire. It includes none of the items concerning James,

nor is it comprehensive enough with respect to you. I here enclose fifty dollars in four notes, viz:

I am under the disagreeable necessity to observe that your last letter is written badly and hastily, that you still continue to be deficient in spelling. You write weak when you ought to write week, and knead what ought to be need. Such misspelling is not pardonable in any man, much less in a scholar. I have seen the youngest son of Mr. Baptist Vallee who is lately returned from St. Thomas College. He gives the most favorable account of James under every respect. Gustave Soulard writes to his father from the same college that James is now very studious, religious and good natured. For the purpose of assisting you in the choice of a profession I shall present various views to you in my next.

Adieu,  
J. B. C. L.

Charles is arrived here safe. He stayed only two days with us. Went to attend court, Howard County, Boons Lick. He is now attending the court of St. Charles. Will be here in a few days. John Scott seems to have sunk in the public estimation. The prospects of Easton as candidate are bettering. I was the other day at Cape Girardeau. Charles stands very fair with the leading characters of that county. Scott is worsted there. Charles has the reputation of having been a good representative.

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St. Louis, May 19, 1817.

Wm. Lucas,

Your letter of April 10th enclosing statement of expenditures and of the 18th April have been received. I have enclosed in my last to you of the 28th of April,

ulto, fifty dollars in bank notes. I here enclose fifty dollars more in three Kentucky bank notes. I am much in haste. I defer again writing on details. If Mr. Willie leaves your college and is not replaced by a person well qualified, probably it will be proper for you to go and continue your studies at Washington.

Adieu,

J. B. C. L.

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St. Louis, May 22d, 1817.

James Lucas,

James I have received your letter of the 24th of March. I learn with much pleasure that you have obtained the premium in geography. The comparatively short time you had to prepare yourself for the competition ought to excite you more and more to every possible exertion. The study of Latin and Greek is all important to you. You mention me that you hope to be ready to go home in eighteen months, less if possible, for you are coming on faster and faster. I wish you may persevere in your resolution. In case you do, I confidently hope that you will succeed, and in leaving then the college with credit you will be welcome amongst us. Your age and my means will enable you to receive an education perhaps more complete than your brothers. I hope you will avail yourself of the opportunity especially if you will apply yourself to any of the learned professions. If you wish to be a farmer, perhaps you may do with a mind less cultivated and make up the deficiency by forming your habits early to that pursuit.

I recommend you to pursue undeviatingly the course of forbearance and good nature towards your school-mates, obedience and respect to your teachers. They



are the most useful men in society and the least rewarded. Some of them grow peevish, some pedantic, all their life offers all the difficulties of a beginning. They are in perpetual contact with the most unreasonable part of the human species. If they derive any comforts it is but from very few students, indeed, who stand prominent in reflection, liberality and sentiments of gratitude. I should be much gratified in hearing that you stand amongst these few. It would be a good omen and would qualify to go through life with ease and satisfaction. Many students believe that when they have been able to find out the weak side of a teacher they are absolved from all obligation of obedience even of deference. What a paradox! This discovery often flatters the vanity of the student. This vanity leads him in the grossest fault, to-wit: jealousy, insults, recrimination and a perfect cessation of usefulness on the part of the teacher.

Believing that you are becoming worthy of my attention, I propose to have the Gazette of this place forwarded to you hereafter. Mr. Le Duc will hand you this letter, and if found necessary will give you some pecuniary relief.

I have written to Messrs. Flaget and Wilson, but have received no answer from them.

All is well at home.

Adieu,

J. B. C. L.

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St. Louis, June 26th, 1817.

James Lucas,

James, I have written to you by Mr. Le Duc who is to accompany young Cadet Chouteau in a journey intended for the recovery of his health. The letter is

dated May 22d, 1817. He has it in his hand this good while. His departure has been delayed unexpectedly. I believe he will leave this place in three or four days.

This present letter will be handed you by a Mr. Fowler, a neighbor of ours at Cold Water.

I have put in his keeping, ten dollars which he will deliver you. I hope you will make a good use of it.

Write to me as soon as possible.

Adieu. All is well.

J. B. C. L.

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St. Louis, June 30th, 1817.

Wm. Lucas,

Dear Son:—The last letter which I have received from you is of the 12th ulto. I enclosed to you in my letter of the 28th April, fifty dollars and fifty dollars more in my letter of the 19th of May. I shall wait for a letter from you acknowledging the receipt of these before I send you any more money. If you are without a President nearly as able as Mr. Wilie, perhaps it will be better for you to go to the College of Washington. In this case I recommend you earnestly to be better guarded against dissipation and any opportunities of vices and bad habits. As to your ceasing to read Latin, in this you have taken your own course. You might have consulted me if you had wished. To meet your desire to know what ground you stand upon, I must inform you that I leave it to you to make choice of such profession as you may think best.

From what Charles tells me it appears that you incline for the profession of the law. If so, you must particularly apply to the study of Belles Letters, without, however, giving up natural philosophy and the

repetition of your Latin books. Your taste must be formed on the best models. Take always into view that the object of art is to present the powers and charms of nature. Bombast, affectation, swell, redundancy of words, &c., are incompatible with it. At all events I think you ought to remain at college until the end of the next winter session. After these, if your inclination remain the same, you will go to Connecticut to attend, during one year, the lectures of Judge Reeves on Law. What you will learn there will be elementary and systematic. By means of repetitions and rearguments with numerous students whom you will meet, your ideas may be enlarged, rectified, and more deeply impressed, whilst at the same time you will familiarize yourself with law language and become prepared for speaking at the bar. You will then come back to St. Louis where you may continue your reading under your brother Charles and at the same time be of some use to him in his office, at least, during his absence.

I expect you will in your next be explicit on this subject.

I love you.

Adieu,

J. B. C. L.

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St. Louis, July 5th, 1817.

Wm. Lucas,

(My letter contains nothing else but advice that he will receive by the hands of Mr. Von Phul, \$50, or fifty dollars delivered by me this day to Mr. Von Phul together with the letter above dated.)

St. Louis, September 13th, 1817.

James Lucas,

(Letter including one hundred dollars St. Louis Bank notes, authorizing him to buy horse, saddle, bridle, the whole not exceeding sixty-five dollars. Consult General Walton for choice of a horse. Return home as soon as possible. Be careful of his horse on his journey. Bring a bill of what is due to college or Principal on his account. Take the road of Shawney Town.)

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St. Louis, October 12th, 1817.

Wm. Lucas,

My dear son:—James arrived the day before yesterday in good health. Our forlorn situation rendered him still more acceptable. In addition to the favorable account which we had of him through various channels, I have the satisfaction to find him generally much improved. Without making any parade or showing the least pretension he discloses a great quickness of ideas, justness of judgments. His eyes are full of expression, his sentiments chaste and good, his sensibility great; he is stout built, wide particularly at the breast; his body sufficiently straight, his head not too much inclined forward. His judgment appears solid; he is, so far, quite another James, and his sister is wondering at him. He has learned, whilst at college, to till and cut the grapevines. They have promised to send him cuttings and he purposes to plant a vineyard. We went this morning together over our land. He made several judicious remarks, pointed the place convenient for a vineyard. As we came back along the line adjoining the road on the other side of the draft, where the nearest

out springs are, he noticed a row of rails that are not put up. He appeared to be much concerned that rails should be suffered to decay and rot on the ground. He told me that if I would let him do it, he would put them up himself this week coming in. He has been baptized, taken the sacrament of eucharistie and confirmation. He says that nothing offers more true happiness than religion. I believe the priests have wrought miracles with him. May he persevere in the course he has taken.

The irreparable loss which we have met with; my consequent forlorn situation; the consideration that your age little admits of delay; together with the information which I have lately received that the course of lecture of law at Litchfield commences in the autumn, has induced me to alter my opinion as to the propriety of your attending the college of Washington during this winter session. I think it best for you to settle immediately all your little affairs at Canonsburgh or Washington, and go without any delay to Litchfield, Connecticut, that you may be in time to commence with the others.

I here inclose a letter to introduce you to John Colton Smith, former governor. I had a small acquaintance with him at Washington. I believe him to be a man of friendly disposition, possessing great affability. I hope he will have the goodness to give you such hints or advices as you may stand in need of, and to recommend you to law characters or other persons in or about Litchfield. You must take yourself the enclosed letter to him if practicable. I shall not delineate to you any particular line of conduct, I trust to your judgment and prudence. You are going to live amongst men distinguished for prudence, discretion, good morals, love of science; great many of whom are truly scientific.

Match them as well as you can, at any rate be studious, modest, forbearing, polite; at the same time don't indulge great intimacy with any, and trust your secrets to no one.

As soon as you will be arrived you will write to me on the state of the institution, the prospects of its advantage, the number of students, expenses of traveling, price of tuition, of boarding, &c. Before you go you will compare the expense of traveling on horse back, price of horse and saddle, with the expense of going by the stage and choose the cheapest and least subject to accidents.

My letter to you of the 18th of August, contained fifty dollars. My letter of the 29th of September contained also fifty dollars. I here enclose one hundred. Be saving and change your notes as you go, for the western notes may not be current in Connecticut.

Write to me before you leave the place where you are.  
I love you.

Adieu,  
J. B. C. L.

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St. Louis, October 17, 1817.

Jason Chamberlin,

Dear Sir:—Referring myself to my letter to you of the 10th inst. I shall merely add that probably I may go to the seat of government this month. I shall let you know my determination as soon as taken. I shall be at Ste. Genevieve on the 4th Monday of this month to attend the court. Perhaps I shall proceed on a journey from that place. I shall not certainly wait to attend the special court if Judge Stewart was here. I should wish to know how many terms and days in terms he

has omitted to attend at Jackson Court. I request you to obtain a certificate of the same from Mr. McFerron in my name in due form. I may or may not make use of it.

My son James of whom I had spoken to you is arrived home from Kentucky. I am still determined to send him to college in New England. After having long time considered I am now inclining to give the preference to the College of Providence. I wish to let me know when the session commences there and also to designate me some person to whom James might be recommended so that I could occasionally know how he behaves and what progress he may make. I should also wish to know what will probably be his yearly expense if he was not sufficiently proficient to be admitted in the college, in this case I wish you had the goodness to direct me to some of the best qualified clergymen in the neighboring part of the college in question where he might be placed to be prepared to be admitted at the college either in six or twelve months. I have sent you by the last mail, two papers containing the 1st part of the biography of Chas. Lucas. By this mail I send you two more containing the 2d part of the same. It is well ascertained that the death of Charles is deeply lamented throughout the county of St. Louis; in the counties of Howard and St. Charles it has produced a burst of indignation.

A gentleman of high standing in St. Charles has told me yesterday that the 1st part of the biography of Charles Lucas has excited the greatest concern, that it is read and sought after every where. He tells me that there were to his knowledge two considerable meetings held in St. Charles County on the occasion of the death of Chas. Lucas, where it had been agreed that none of the members of the meeting should employ Benton as at-

torney, nor his friends. Perhaps it is meant only his second. I was told the other day, by a respectable farmer who lives on the road of St. Charles, 12 miles from St. Louis, that he was a few days before at a raising of a house; that all the persons present, exceeding 20 in number, expressed their indignation and declared unanimously that they never would employ Benton as attorney. I am told that at Potosi, B. was pretty well countenanced during the last term of the court. At Ste. Genevieve and St. Michael, Charles is much regretted. I am satisfied that Scott has lost ground at Ste. Genevieve. Perhaps if similar meetings as those held in St. Charles should take place elsewhere and in various parts of the territory, it would have the best effect to give a high and an equivocal tone to public opinion. Lawyer Tucker has appeared at the bar with advantage. Is much employed and bids fair to be in the way of B.

I am led to believe that the death of Charles from which the faction expected to reap so much advantage, is just going to operate much against them. They are not aware probably that Charles occupied so good a standing, and on so extensive scale. From what I understand none was more popular than him north of the Missouri. I hope you will inform me minutely, as far as you know of the state of public opinion in the southern counties, and how the biography of Charles Lucas has been received. However improbable it may be, let me tell you that I am just now informed that Benton and J. Clark are circulating or about circulating a petition to Congress against me. I presume it must be to have me impeached. If it is so they must be crazy, although great many things can be done by hard swearing.



Be pleased to let me know whether the petition for erecting into a state a certain part of this territory has been generally signed or not in the southern counties.

I am, &c.,

Respectfully,

J. B. C. L.

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St. Louis, November 7th, 1817.

W<sup>MD</sup>. Lucas,

My dear son:—Your letters of the 26th of October and 3d of November have been just received. It appears that you have felt a strong desire to come and see us. I can assure you that I am not without reciprocating the same desire, but I have submitted to reason and in hastening your departure to Litchfield, I have thought that I was hastening your return to us. I am glad to learn that you have determined to comply with my directions, however, if you had felt too great a repugnance, I should have been sorry to see you going as if compelled. I never intended to offer violence to your feelings. I hope that you will not be there two or three months without being well satisfied or reconciled. If I am well informed you will meet there with students from various parts of the United States. The lectures, debates, &c, will present to your view at the same time the law and the reason of it, the general system, its divisions and subdivisions, the dryness and complication of the subject will disappear before the method and luminous expositions of able professors after you will have been there six or eight months. You will then be able to ascertain the degree of progress which you can make and at the end of a year you may come back home with a pretty good clew of the

laws. Perhaps you might stay one year longer if you thought necessary.

When I consider the malice of the enemies of Charles Lucas and the pleasure they would enjoy if I should sink under my misfortune, I feel more determined than ever to bear my fate with fortitude. I hope that you will go *pari passa*, we owe it to ourselves and to society. Your brother had a great many friends. I am persuaded that you will feel the benefit of it when you will come back with us. I have directed to you the two numbers of the Missouri Gazette that contain the biography of your late brother.

All the family is well. I love you.

Adieu,

J. B. C. L.

Give me in your next a full detail, not only of what relates to your prospects in your studies, expenses, pastimes, but to yourself inwardly. I wish to enjoy your unlimited confidence. I hope you will experience that it will not have been misplaced.

J. L.

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St. Louis, November 10th, 1817.

Abner Leacock,

Dear Sir:—I here enclose a paper containing a part of the biography of my late son Charles Lucas. I shall send you the other part by the next mail. I need not to tell you that my situation is truly deplorable. You are a father and you had some opportunity of forming an idea of my departed son. In expectation that my sorrows may be alleviated, I intend to take soon a journey to Kentucky. If I find any relief I shall probably continue as far as Washington, which, if so, will not be before the 15th of Jany.

Charles Lucas mentioned me on his return from the city last spring that he had suggested you the idea of having your son recommended for the place of register or receiver of the land office which will probably be established during this session coming in the northern part of our territory, say Howard County, this part otherwise called Boon Lick settlement has a great reputation for health and fertility of soil, and in my opinion deservedly so. Its population is already very considerable, respectable and astonishingly increasing. No place presents fairer prospects for a young man. It is said, and I believe, that John Scott will make great efforts to secure these offices to his creatures.

A considerable number of speculators in our territory, such as the governor, &c, are going to spend the winter at Washington in order to present petitions and use their endeavors to have their land claims confirmed. If they can they will bolster up Mr. Scott and aid him in all his attempts, for they are all jockeys of the same club, therefore if you wish to secure to your son or a friend the appointment in question, the application ought to be made as early as possible, at all events, I make with pleasure to your son the tender of my house, and of any service I may have it in my power to render him.

I presume that I need not to mention you that all those land claims which are not yet confirmed are destitute of any force in law, justice or equity, that the papers or documents on which they are predicated are for the best part spurious, or, to say the least, have no authenticity; that the concession for the same were not issued by the proper officer, authority, and in many cases were issued after the king of Spain had parted with the domain in favor of France.

I am so well acquainted with those claims that if I was at Washington in due time I could confidently appear at the bar of the House of Representatives as required, and satisfy them that the act of Congress of 1814 under the authority of which so many claims have been confirmed has departed from the fundamental principles on which the right of the U. S. to the public lands in Louisiana is predicated agreeably to the respective treaties of cession of Louisiana with Spain to France and from France to the U. S.; that the effects of the same act of 1814 have become ruinous to the U. S. and such as could not be intended, and that the continuation of that departure by any new act of Congress extending its effects to claims not yet confirmed, would render it almost unnecessary to establish land offices here, or would hardly leave anything else about the present settlements and for a great distance from the same, but marshes and mountains as objects of public sales. I am informed that some of the land claimants have divided their claims into shares which they have sold or intend to sell to some members of Congress or other persons of influence. When many of those claims were owned by the original grantees they were depreciated as being represented to be fraudulent by the same persons who since have bought them for little or nothing.

Having considered myself at all times as something more than a nominal republican, I make this communication in order to assist in defending the public thing from being totally dilapidated or plundered. I beg leave to observe that you need not look for correct information, neither from Mr. Scott nor Mr. Hope from the Illinois territory, for they are both holders of claims and their popularity with several influential men de-

pend upon their success in the land way. As I wish to live in some degree of peace with my neighbors, I wish you to consider this communication as confidential.

We have in our territory, a gentleman of the bar of respectable talents and excellent reputation. His name is Jason Chamberlin. He is from the state of Vermont, and I believe is generally known by the delegation of that state in Congress who may satisfy you more fully on his deserts. I beg leave to recommend him to you as a fit person to fill the office of attorney of the U. S. for the Missouri Territory or that of Register of the land office that will probably be opened for the southern part of the territory either in the county of Girardeau or Lawrence.

I am, &c,

J. B. C. L.

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St. Louis, 13th December, 1817.

Genl. Wm. Carol,

Sir:—Having heard my late son, Charles Lucas, often speak of you as being a friend of his, and being persuaded that the circumstances of his untimely death, if known to you, must have excited your feelings in a high degree, I beg leave to request you, in memory of that former friendship, if compatible with your views, to favor me with an answer on the following queries.

What kind of reputation Thomas H. Benton enjoyed when he was student in North Carolina as far as you know?

What were his pursuits in the state of Tennessee from his first coming into it until he left it?

What is his general reputation in the state of Tennessee?

What difference had he with Genl. Jackson?

Did Jackson accept or refuse?

If he did refuse, what cause of refusal did he assign?

Did he charge Benton with any improper act, if so, be pleased to specify it.

What was understood to be the cause of Benton leaving Tennessee?

Mr. Benton from his first arrival at St. Louis until now has been indefatigably pursuing every means he might think to be conducive to popularity. He has wedded himself, or rather organized a bloody faction who thought that Charles Lucas was much in their way. He has become the executioner of their nefarious schemes. He is now underhandedly after me with a petition or denunciation to Congress against me as a judge, which one of his tools carries and shows cautiously to those who are previously ascertained to be willing to sign anything against me. I am informed that they meet with very poor encouragement, but be it as it may, I feel no kind of uneasiness. I know it is a mere shift to divert me from my object or put me if they can on the defensive. This, I assure you, will not make me deviate in the least from my course.

The biography of Charles Lucas has been published in the Missouri Gazette. I hope you have received the number that contains it, if not let me know it. If you please, I will forward it to you.

Yours, &c,

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St. Louis, Jan'y. 11th, 1817.

Charles Lucas,

(I have informed him that I consent to spend as much if necessary, as \$300 per year for Wm., all in-

cluded, whether at Carlisle or any where else. I request him to exhort Wm. to study in the ratio of his age and the sacrifice I make for him. I cannot keep him longer in college than two or three years. He ought to study mathematics directly and chemistry with mathematics when done with the Latin.)

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St. Louis, 3d October, 1818.

Wm. Lucas,

My dear son:—I am just arrived from Jackson in Cape Girardeau County where we have held the court for the southern circuit. The term of my commissioner has expired yesterday. I am therefore disincumbered of official duties. On my return I found your letter of the 20th of Augt. ulto, post mark Augt. 25th. I hope my letter to you of the 13th of September will come safe in your hand. It encloses one Post Bank Note of the U. S. Bank, payable at New York. I here enclose a draft in your favor for three hundred dollars on the Bank of the U. S. Philadelphia. In doing this I have complied with all what you have requested from me. Again the time this letter will reach you it will be proper for you to leave Litchfield.

Wm. Tharp was tried at the last superior court at St. Louis for killing Wm. Smith. He was acquitted after a very laborious trial.

I have been very unwell by severe cold. I am recovering slowly. I propose to write to you by next mail and direct my letter to you, post office at New York or Philadelphia.

I have this morning, the 4th of October received the painful news of the death of little Ann the eldest daughter of Mrs. Hunt. She expired last night at

midnight. She was taken with very violent fits a few days before. She had been very sickly for long time, but since about twelve months she had perfectly recovered, was thrifty, lively and very amiable indeed. She indicated great yield of cuteness and sense. I loved the poor little thing. I am persuaded her father and mother are very much affected. This is the beginning of Mrs. Hunt's trials. I presume you know that they live in the country. I am told they have many sick persons in their house. There is a great yield of sickness about Cape Girardeau and Kaskaskia, especially among the new comers.

Adieu,

J. B. C. L.

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St. Louis, October 27, 1820.

Hon. Robt. Moore,

My dear sir:—I received your letters written during last session of Congress. I have learned with a particular pleasure by your last of the 12th of April, ulto., that through your instrumentality Congress has escaped, though narrowly, the imposition which Mackay was going to practice upon the U. S. What a fortunate thing that the error has been discovered in time. Had such a bill passed, Mackay & Co. would not have failed to dress up and assimilate, by all the affidavits and other exparte evidence necessary, a multiplicity of other claims, and apply for the further extension of what he would call a principle, which would be in reality an error. This is the way that the least aberration from principle, specially in legislating on land subjects, affords ground and means at least plausible, where none of any kind at first existed.



I have lately seen a pamphlet on land claims, published during the last session of Congress, at Washington, by the agent of Mackay and others. It is replete with misstatements and false positions. It contains no arguments from the merits of the claims, but only from the provisions of the act of Congress of the 12th of April, 1814, entitled "An Act for the Adjustment of Land Claims." These provisions are mere aberrations to which the appellation of principles governing the rights of the Spanish land claims is emphatically given, to the end of having those aberrations extended to cases not embraced by that act.

Permit me, however, to observe that it is not enough for the true friends of the U. S. in Congress to escape danger by remaining on the defensive with the land claimants. They ought to anticipate new attempts and efforts by becoming actors also, and bringing a bill providing that any land claimant may institute suits against the U. S. within a limited time in some of the courts of the U. S. to have the merits of their claims tried, &c. &c. after which the claims against which a judicial decision will be made, against or for which no suit shall have been instituted in due time, will be entirely out of question, and a non entity. Until then there will be no end to intrigue, bribery and hopes of one kind or other success perhaps at the end of a session or at such other unguarded time.

You have probably been informed that I was candidate for the state convention. I did not succeed because being requested to declare my sentiments on the subject of slavery, I expressed an opinion that it would be proper to limit the importation of slaves to five years or such a short period from the date of the Constitution. Besides this, my personal enemies and the ardent

friends of slavery, in all its extent and attributes, charged me, or suspected me to be hostile to the principle of slavery all together, and contended that I dared not to go the whole length of my opinion, knowing it to be unpopular. In fact, I was called an emancipator, and this is the worst name that can be given in the state of Missouri. As I reside in the county of St. Louis, where the Spanish land claimants have the most influence, I had to encounter their powerful opposition, thus I lost the election from those two causes combined together.

I also consented since to be a candidate for the Senate of the U. S. My prospects were much fairer because the election was not confined to a county, but I was again unsuccessful. When the members of both houses first assembled it was generally believed that I had a majority on my side, but my opponents having a multiplicity of hands at work, not less bold than artful, succeeded in having the election put off from time to time, and taking advantage of the ignorance, credulity and want of experience of numbers of my friends, had Barton and Benton elected. The last carried his election by a majority of one. I was next to him. From the course which I have taken with the land claimants, nothing was more dreaded than to see me going to the Senate. The efforts against me were commensurate to the importance of the occasion. I need not to tell you that Benton is the very ruffian who killed Charles Lucas under circumstances well known to you. He was engaged in the affray where General Jackson was shot through the arm several years ago. It was he or one of his brothers that did it. Various acts of violence placed him in such a situation that he could not remain any longer in the state of Tennessee. He is blood

thirsty, bold and desperate, yet he can put on an appearance of suavity, borrow a language sentimental and exalted. Great reliance is placed on him by the land claimants. He will make gigantic efforts during this session. He will be humble, accommodating, cringing or any thing whatever, in order to attain his object. His pecuniary circumstances are desperate. He has supported for several years past an unprofitable public paper for and in view of his political aggrandizement. He has lived high and at a great expense for the same purpose. His all depends on getting the land claims confirmed or on obtaining by any surreptitious means the passage of law that will medietely tend to that object.

As an editor he has lavished every abuse and contumely on the representatives in Congress that were in favor of the amendment of Mr. Taylor for restricting slavery in the Missouri bill. No exertion was wanting on his part whilst the Missouri question was under consideration before Congress last year and this year to excite the people of Missouri to adopt any rash measures. I have not written to you during the last recess of Congress. I requested the editor of the Missouri Gazette to send you his paper which contained much more local information than could be contained within the bounds of a letter. I hope you will prepare your friends in the Senate and elsewhere to meet or obviate the intrigues and efforts of Benton. Let not the persecution which I have endured, the personal sacrifice which I have made, nor my consequent self denial of a seat in the Senate be lost and unproductive to the U. S.

There is some probability that I shall go to Washington this winter, at all events be so good as to write to me as soon as convenient.

In case the State be admitted into the Union I should like to be appointed judge of the District Court of the U. S. for the state of Missouri. Not so much for the sake of the office as for the purpose of proving to my enemies here, that my services and fidelity to the U. S. are duly appreciated at Washington.

If you think me to be deserving that office, be so good to apply to the President without loss of time, and induce other friends to do the same. I hope that the Secretary of State will be well disposed towards me. Mr. Crawford knows better than any one else how I have acted as land commissioner and what difficulties I had to encounter.

I am respectfully, &c,

P. S.—As an instance of the means which Mr. Benton has used to obtain a seat in the Senate, permit me to state to you that Mr. Benton went in person on the day the election for senator took place to see one of the members of the House of Representatives who was in bed very dangerously sick, and earnestly solicited him to come to the house in the afternoon and give him his vote. His attending physician was consulted and gave his opinion that the patient could not go without an imminent danger of his life. Mr. Benton persisted in encouraging the sick member to go and made him the offer of his house and the best attendance that could be bestowed. At last the member consented to go against the opinion of his physician. He was carried to the house and supported by two persons whilst he remained in it. He was muttering and speaking all the while as if he had not the use of his senses. As soon as the vote was taken he was carried to Mr. Benton's house, where he has died since. There never was perhaps a vote more spurious and illegal and more clearly obtained by bribery, &c.

St. Louis, Nov. 9, 1820.

Wm. H. Crawford,

Sir:—All the persons interested in the Spanish land claims within the bounds of the state of Missouri have succeeded to procure to Thos. H. Benton, their agent and partner, a seat in the Senate of the U. S. No doubt but that gigantic efforts are going to be made during the present session of Congress to obtain the passage of some act to confirm mediately or immediately, number of the land claims and put the residue in a proper train for confirmation afterwards, for it would be imprudent to attempt to carry everything at once. Congress might take alarm.

I need not to observe that the interests of the holders of the large land claims are adverse to the actual settlers, claiming by pre-emption, and that if the former should succeed, even all persons wishing to purchase unimproved lands in the state would be placed in a worse situation, and large tracts of such land might remain so for a long time. Those holders of large claims are already loaded with grants confirmed by the former board of commissioners and by the recorder of land titles. Any additional confirmation will swell their fortunes to a colossal size; nay, it will be clearly in my opinion an original grant from the U. S. under the color of confirmation of a supposed Spanish right, and whilst the U. S. will be giving away land to a large amount, society will be incumbered with nabobs, and the industrious and poor actual settlers willing to pay the ordinary price for a small parcel of public land will be placed in a desperate situation.

In order to prevent the U. S. from falling ultimately a sacrifice or becoming a prey to the intrigue and rapacity of land claimants, the Congress, ought, in my

humble opinion, not to remain passive any longer. A law ought to be passed without delay to enable the land claimants to bring their claims before courts of justice within a limited time, and thus shut all avenue for further applications to Congress on the same subject. To my certain knowledge, many a claim has been confirmed under the act of the 12th of April, 1814, which had no kind of foundation either in law or equity. No means or pretext ought to be afforded any more to accomplish so flagrant an evil.

Mr. Benton was elected to the Senate by a majority of one. I was also a candidate and next to him on the poll. It is well known here that Mr. Benton is very unpopular, and even when the legislature first met his friends were well apprized that then he could not have been elected. They, therefore, used every effort to put off the election for a considerable time, which actually did take place, and during that time all the land claimants and particularly the whole party of Governor Clark have been using every means in favor of Mr. Benton and against me.

I may very safely say that had I been willing to make the land claimants and myself rich at the expense of the U. S. instead of strong opponents I should have found in them my warmest friends. No one could have coped with me in point of popularity, but my fidelity to the U. S. is an unpardonable crime for which I am persecuted by the rapacious, and affords an opportunity to those generally governed by ambitious views to keep me on the back ground. I perfectly reconcile with my fate with respect to land claimants, but it shocking to find officers of the U. S. arrayed against me, such as the surveyor general, the superintendent of Indian affairs, his dependants, &c, &c, however the latter is a

land claimant to a considerable amount and as such, his interests speak loud. It is presumable that Mr. Benton will have at Washington, the support and the influence of Henry Clay, his friend and relation.

I have thought not long since, of applying for the appointment of judge of the District Court of the U. S. for the state of Missouri. If you think me to be deserving that office you will confer me a favor in making the application for me to the President with as little delay as you conveniently can. I wish to obtain that appointment more for the purpose of proving to my enemies in the Missouri State that my services and fidelity to the U. S. are duly appreciated at Washington, than upon any other account.

Very respectfully, &c.

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December 21st, 1820.

Mahlon Dickerson,

(Informing him that probably I shall be nominated to the Senate to fill the office of District Judge of the U. S. for the State of Missouri. That I expect to be opposed by Benton and Scott, who have been elected through the influence of land claimants. I am the object of the resentment and hatred of all of them on account of the unfavorable report which I have made as land commissioner against their land claims.)

&c, &c,

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St. Louis, Jan. 1st, 1820.

Hon. John Rhea,

Sir:—I understand that the Spanish land claimants are attending at Washington in an unusual number.

They are assisted by several persons in the capacity of agents. Thomas H. Benton is one of the most prominent of them. It is reported that he is to have a considerable share in the claims for the use of his industry and influence. As the editor of a paper at St. Louis he has published in the course of the last summer, various pieces in support of those claims and in vindication of the official conduct of the former Spanish commandant at St. Louis, which, although the land claimants may think otherwise, contains neither truth nor argument and are of very little assistance to their cause; but beside this formidable column of speculators there are also some stragglers who ought to be closely watched. Permit me to bring one of them to your notice.

Jas. Makay a former petty commandant under the Spanish government of a small post in the now Missouri Territory has presented a petition to the House of Representatives at the session before the last, and having supported it with an abundance of affidavits, has succeeded in making before Congress a fair case of what I believe to be a foul one. In so much that a law has passed in his favor on the last day of that session. I suspect that it could not have passed at any other day, by which he was enabled to have a claim which he has never presented before now, referred to the recorder of land titles to make report thereon upon the same principles and in the same manner as it has been entered on record before the passage of the act of Congress of the 12th of April, 1814 concerning land in the state of Louisiana or Ty. of Miss.

I am informed that a report pursuant to that law has been made and was before Congress at the last session, but was not acted upon. This disappointment, far from discouraging Mr. Mackay seems to have created a



new excitement in him and I am credibly informed that he has dispatched his former agent at Washington to have another petition presented during this present session for another claim to land which is precisely in the same situation as the preceding one, that is, that it never was recorded in the office of land titles. The two claims are contiguous to each other. It is thought that the quantity of land contained in the 1st claim is worth \$25000. Probably the claim for which he is now petitioning is not worth less. I think that the claims of Mr. Mackay ought not to be confirmed, 1st because none but claims entered on record at the time of the passage of the act of 1814 were within the purview of the same act. 2d, because, the residue the same as in the letter to Wm. Lowndes, November 22d, 1818.

J. B. C. L.

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Jany. 10, 1821.

Walter Lowrie,

Sir:—Having in my last stated to you that in case the President should nominate me to the Senate to fill the office of judge of the District Court of the U. S. for the state of Missouri, I here enclose a number of the St. Louis Enquirer, containing an extract of a letter from the Hon. David Barton to the editor.

You will find in it such undisguised disposition and sentiments as will enable you to appreciate one of the prominent men in our state, and know by what kind of characters I am opposed. I am persuaded he was drunk when he wrote this. He happens to be so some times during whole weeks, and when he is in that situation, he loses all command of himself, and behaves like a mad man.

About two years ago he was crazy for several weeks after a long fit of drunkenness, and the recovery of his mental faculties was very doubtful. He has carried his excesses so far as to break when drunk all the looking glasses and other furniture in a tavern, strip himself entirely naked, scream and dance for hours in presence of a number of children; although from the present state of things it is not probable that the appointment in question will take place during this present session, I have thought proper, nevertheless, to present you with this sample. The rejection in the House of Representatives of the resolution for the admission of the state of Missouri is known so lately here, that there was no opportunity as yet, to ascertain the state of the public opinion on that subject. I hope that the influence of the rash and violent is drawing to an end. The people appear to be tired of them. They are not pleased with their constitution, and two thirds of each house of the state legislature have proposed several amendments to it. However they were baffled by the management of an expert minority who contended that the constitutional number required to carry a proposition of amendment of the constitution was two thirds of all the members elected and succeeded or carried their point. Nothing is more erroneous. Our state constitution is perfectly similar on that head to that of the U. S. I am,

Respectfully, &c,

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Hon. Walter Lowrie,

Sir:—Although I am not so happy as to be personally acquainted with you, yet from the knowledge I have of your political character and also from the belief that you are not entirely ignorant of my own, I

have presumed to address you a few lines. If I am not mistaken you are one of the committee on the private land claims. This circumstance renders me particularly anxious to open a correspondence with you. I make no doubt that a greater effort than ever will be made this year in Congress to procure the passage of some law for the mediate or immediate confirmation of all or part of the French and Spanish land claims to land within the state of Missouri. The interest and consequent influence of the French and Spanish land claimants has been much increased by a number of transfers which have been made of parts of these claims by the original land claimants to various persons of influence in and out the state of Missouri. Wm. Clark, the late governor is one of them. They have succeeded already in procuring the election both in the House of Representatives and in the Senate of persons the most devoted to their interests. Thomas H. Benton one of the senators elect, was the manager of their interests at St. Louis for three years past. I am informed that they have given him a share in their claims for his trouble and exertion to procure the confirmation of the same claims. He is bold and artful and he will not fail to resort to all the means imaginable to carry his point. The land claimants rely particularly upon him. He has carried his election by one vote. I was also a candidate for the Senate and I was next to him. I had against me all the force of the land claimants. They expected nothing from me. They knew very well that as one of the former land commissioners, I had reported against their claims. They also knew that I never would abandon the ground which I had taken on that subject. For more particulars I beg leave to refer you to your colleagues the

Hon. Jonathan Roberts and Mr. Robt. Moore in the House of Representatives.

I hope that Mr. Benton will be duly watched and properly met with. Let not the persecution which I have endured from the land claimants, let not my virtual self denial of a seat in the Senate, by undeviatingly pursuing the interests of the U. S. be lost and unproductive to the public.

I shall present you in my next my views on the subject of those claims. I am,

Respectfully, &c,

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St. Louis, Jany. 12, 1821.

Mahlon Dickerson,

Sir:—I here enclose a number of the St. Louis Enquirer, containing an extract of a letter from the Hon. David Barton, to the editor of the same paper. You will find in it such an undisguised disposition and sentiments as will enable you to appreciate one of the most prominent men in the state of Missouri, and know by what kind of characters we are represented and what kind of opponents I had to meet with, for Mr. Barton has made use of all his influence to prevent me from being elected to the Senate of the U. S., and I am persuaded has done or will do all he can to prevent the President from nominating me, or the senate from confirming the nomination that may be made of me for the office of District Judge for the State of Missouri. This extract is evidently pregnant with every kind of mischief. The scurrility it contains is intended to inspire contempt and antipathy against any chief magistrate that may be elected from the North, and foment a spirit of jealousy and hatred among the good people of Missouri against the federal government.

I am,

Respectfully,

St. Louis, September 7th, 1822.

Wm. Lucas,

I have committed a great fault in remaining so long in suspense about declaring myself as a candidate. Your suggestion that I should offer for legislature came too late. Considerable use was artfully made of my misunderstanding with Benton. My friends were duped, principally the farmers, personal and active friends, absolutely necessary to succeed in election. You have, no doubt, seen the publications of D. Barton and Nat. Cook exposing the letters and conduct of Scott, &c. Extra Enquirer, published last Saturday preceding last election. I have been charged with being an insurgent and pardoned rebel in Pennsylvania. I have written to James Ross to obtain from him a declaration that I was not accomplice or abettor of any act of violence and insurrection. I have prepared an answer. This publication will prove that I am a western man of an old standing that western men placed a great confidence, &c, and will place me on higher ground with the multitude than I occupied before the attack.

Several friends have told me that I shall be voted in room of senator Rector, deceased, whether I offer or not. Certain it is that I shall not present myself as a candidate.

The people of St. Louis have been over-reached on the subject of the election. Geyer has deceived every body and seems to be proud of it. I hear with pleasure that you are doing well in your profession and stand well with the people, &c.

Practice is the only means to wear out this unhappy diffidence which is a real incumbrance upon your mental powers. Nothing is more certain that your weight

of character, your respectability rests upon your usefulness to yourself and the public.

Yours,

J. B. C. L.

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St. Louis, Jan'y. 3rd, 1822.

Joshua Barton,

Sir:—Having stated in my letter to you of — which was left at your house whilst you were on the circuit as I have learned since, the unexpected demands and consequent pecuniary embarrassments which I am placed in as one of the executors of the will of C. Lucas, deceased, you cannot be but satisfied that it is out of my power to take as much latitude as if the estate was not involved in debt.

I called at your house since your return. You were then out. Being told that you would soon be in, I waited a while and then went off. Adrian called on you since, and instead of calling at my house the day after, as you made me expect it, I received your letter of the 22d of last month, by which I learned that you could not conveniently come; that you would be ready at home tomorrow to give up the books in your possession.

I should have gone or sent for the books on the day appointed in your letter had you not mentioned at the same time that some of them are "something injured and there are few of the volumes which you cannot find, having been taken out by the lawyers". I thought it useless to call or send as it appeared that you were not actually ready to close this business entirely. Sir, it is out of my power to receive loan office paper in part of the price of the books. I think that under the pres-

ent circumstances the safest way for the executors is to have the books sold at auction.

Lest the terms on which the books were lent to you had escaped your recollection, I here transcribe your receipt List of books received of John B. C. Lucas and Theodore Hunt, executors of the last will and testament of Charles Lucas, Esq., deceased, of which I am to have the use until wanted and then to replace all that may be lost or materially injured by use and return the balance.

Judge Lucas in the meantime is to use any of them when and how he pleases.

St. Louis, March 16th, 1818.

Signed &

J. B.

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St. Louis, Jany. 19, 1822.

Joshua Barton,

Sir:—Had I been the borrower instead of the lender I am very sure that the affair of the books would have been not at all momentous and the negotiation so short that there would be still less room for you to give the appellation of diplomatic letters to my communication on that subject. After having had the use of a well assorted set of books for nearly four years, and lent them to every body as if they were mine, I should have considered myself under a particular obligation to the lender, and if I had not anticipated the demand of the books, I certainly should have returned them as soon as demanded, with thanks, and replace those that were missing, or pay the price of apprizement without hesitation, and if some explanation had been necessary I should have made it convenient to call on the lender.

You did think proper to take another course, and there lies the difference between your sense of propriety and mine and hence I have been under the necessity to follow your tract, though reluctantly; however wide this difference may be; however sanguine you may appear to be of the correctness of your conduct on the present occasion; however great your pretensions or presumption is, permit me nevertheless, young man, to let you know that I consider you to be a perfect stranger to good breeding, and overcome with venom and impudence, and that until you have recovered from the great surprise and astonishment resulting from your notions or visions of sudden rise to power and importance, there is no hope of your improving in manners and feelings.

I beg of you to understand distinctly that you have failed in your principal object. I don't feel myself insulted by your abuse because I am conscious of its inapplicability to me.

Expecting always that you would return the books without being asked, I waited as long as I could, and when I requested you to return them, I stated to you at the same time the pecuniary embarrassments which the executors were in. I did it to apprise you that it was from necessity and not from choice that I made the demand. My real wish was to act with all possible delicacy, but I was poorly requitted, when after your having proposed to buy the books with land office money at 25 percent of discount, except one hundred dollars in specie, you concluded in saying that if this proposition did not suit I might send for the books. Sir, I did not consider myself obliged to go or send to your house for the books. I thought it was the business of the borrower to have them delivered to me at



my house, however, making a due allowance for your little knowledge of quod deest. I submitted to send, but with the intention to send once for all. This induced me to inform you before I sent, that I wished to have the things done at once; that you might collect the books which you said you had lent to divers lawyers, and as soon as you apprized me by your second letter that you were ready to make the delivery of the books, I accordingly directed Adrian Lucas to close the business with you; not to do anything by halves and not to be forever at your door. I had not authorized him to settle any accounts for fees or other set off. I had not even thought of such a thing, and when he refused to do it, it was to pursue his instructions and not at all because he mistrusted you. If I had attended myself, it would probably have been otherwise, because I had full discretion to act. This is the amount of the instructions which I gave to Adrian. Anything beyond that originated in him. But, supposing these fees really due, it might be asked why yourself would not trust me one hour for them? A debt founded on loan is of a much higher degree than one for fees. It seemed to me that after you had been indebted to the executors for almost four years, it was but reasonable to allow them to be in your debt also for some time. Again, with respect to Adrian, I recollect also that I gave him a memorandum of three or four sets of books which were on the list of apprizement and not on the list receipted by you. I thought it possible that those few books had been delivered, though inadvertently omitted in the receipted list. It was certainly not to press upon you to find them, but merely in order to ascertain whether they had not been delivered promiscuously with the others, and I was quite as explicit with Adrian

on that particular as on the other. I cannot believe that Adrian mistrusted you or intended to insult you in being particular in counting the books. Not being much versed in any business I believe he mistrusted himself. Probably he thought that he had omitted entering Cooper's Justinian and other books in the list when he delivered the books in 1818, and this time he wanted to avoid any oversight. I hope it is no offense to count books twice, if it is usual and proper to count money twice also; besides every one has his own way and I don't acknowledge yours as a standard. As to Cooper's Justinian permit me to state that you are mistaken. You did not get it at Mr. Easton's office. It has been delivered to you with the other books, for it is found on the list of books appraised. It necessarily follows that the same book had been carried from Mr. Easton's house to mine, the apprizement having been made at my house, and none of the books having ever after that time been removed from it except those that were delivered to you. We have likewise Shakspear in six vol. on the list of apprizement, valued \$17. The Shakspear which Adrian did get from you is also in six vol. and the bookseller's price marked thereon \$17.50. The truth is that the Shakspear belonging to the estate is lost if this is not the one. If Cooper's Justinian was omitted on the list receipted by you, and yet was in your possession, and acknowledged by you to belong to the estate, might it not be presumed that the Shakspear in question which you had in your possession, without knowing how it came, belong to the estate and was also omitted on the list? But, sir, to cut short, this set of books will be delivered to you any time you will send for it.

I first intended to take no notice of any part of your letter except that which relates to Shakspeare, and your bill of fees, but on further reflection I thought that you stood in the greatest want of some hints and charity has dictated this one. If they are not of present use to you, I hope they will when you return to your senses.

In addition to what I have before stated on the subject of the set off which you proposed to Adrian, permit me to observe that you did not present your bill of fees to him, and that any demand by way of defalcation ought to be made as specific and certain as the original demand is; but now the demand being specific enough by the bill which you have transmitted to me, I am just going to meet it.

Taking you to be a man of business and careful of your own concerns, I take it for granted that you have duly examined your books, and that you have omitted no charge against the estate, in the meantime I must inform you that I have not as yet gone to the Clerk's office to ascertain the correctness of your bill, but supposing it to be just, notwithstanding you are so peremptory as to expect prompt payment in specie, nevertheless as the obligation is of an ordinary nature, and not privileged such as loans are, I beg leave to inform that I shall discharge it as other obligations are discharged in the present times, but, sir, as you understand so well the doctrine of set off, I hope you will allow the same right in favor of the estate if I can justify any.

The books which Mr. Hunt and myself as executors &c. lent to you, have been appraised by legal appraisers, of whom you were one, to not less than four hundred and eighty dollars. If we had sold these books on the 16th of March, 1818, which is the time when they were lent to you, we may well presume that the proceeds of

the sale would have been equal to the apprizement. Then you had the use of \$480 in books belonging to the estate from the 16th of March, 1818, until the 15th of Jany. 1822, at six percent of interest, which is the lowest that goes. We defalcate from your bill \$110.80, and then the estate will at last be the loser of the great difference which exists between new books and old, or second handed ones, and also of the difference between the prices which those books would have fetched in 1818 and will fetch at present.

I am quite as willing as you are to close all money transactions with you, wishing at the same time that all your clients may pay you as well as I do. I hope you will allow me to think that I can easily find the opportunity of employing another lawyer as great and as far famed as you are.

I have made this communication much longer than I wished but as I expect it to be the last, I thought proper to follow you in all your windings and eccentricities, and render it as useful as I could. Sir, I am,

Your humble servant,

J. B. C. L.

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St. Louis, Jany. 3d, 1823.

Hon. Rufus King,

Sir:—I should have written to you sooner had not sickness prevented me to do it. I feel extremely anxious that the labor which I have bestowed on the subject of the Spanish land claims as a member of the former Board of Commissioners, the unparalleled difficulties and persecution which I have encountered and borne in the discharge of my duties may be productive of some benefit to the public. Indeed, if you are not, as yet, sufficiently informed on that point you will be able

to learn from Mr. Edwards, senator from Illinois, or Mr. Cook, representative from the same state, that it is notorious in the state of Missouri that had I been complacent enough to betray the interest of the U. S. by confirming roundly or reporting favorably on the Spanish claims I should be at present a very rich man and should undubitably have a seat in the Senate of the U. S.

The leading principle of the bill which originated in the Senate last year on the subject of the Spanish land claims in Missouri was perfectly just and correct, but it was inconsistent to provide in it that all claims predicated on concessions issued at any time before the 10th of March, 1804 should be confirmed agreeably to the Spanish laws, usages and customs, &c. In the first place it is repugnant to reason to admit that a Spanish commandant could issue concessions after his sovereign had alienated the domain. It is still more so after the king has given up possession which was on the 23d December, 1803.

How and when a Spanish officer could issue concessions for land is a question of law which ought to be left to the court. Of course the act ought to be silent as to the dates of the concessions. The confirmation ought to be made conformably to the laws and regulations. The word regulations is omitted in the bill. Usage and custom is introduced improperly. Nothing constitutes usage in legal acceptation but a practice which runneth beyond the memory of man. The existence of the Spanish government itself in Louisiana does not run beyond the memory; of course no usage in legal acceptation could exist under it. In introducing this word, the favorers of the Spanish claims did, I believe, intend to give to aberrations from rules the character

of usage and custom. The bill is under other respects insidious. It is proper to keep in mind that no claims which remain unconfirmed have equity, except, perhaps, some which do not exceed respectively 800 arpens, equal to about 640 acres.

I am pretty certain that Benton and Scott were not willing that the bill, such as it was when it passed the Senate, should pass the House of Representatives. It may be remembered that Mr. Scott took care to report the bill to the House of Representatives with such amendments as would prevent its passage with a view, I presume, to have it in their power to bring a more favorable one at some propitious time for their case is desperate if they cannot avoid having the merits of their claims tested before a court of justice.

The agents of the land claimants ought to be closely watched this session. Mr. Lowndes from the House of Representatives was well acquainted with the subject. Probably his absence will give them fresh encouragement.

Mr. Benton in his long, elaborated speech during last session on that bill, brought into view great yield of irrelevant matter. He was very inaccurate in his statements. Many of them were absolutely false, and I don't know how he could be mistaken. His popularity and best prospects depend on his success on that occasion. He was the counsel and agent for many years of the land claimants before he was in the Senate. I am persuaded that he stands the same way since and has shares in many large claims. If he don't succeed his situation will be desperate, for he is greatly in debt. He was one of the directors of the Bank of Missouri when it failed. He indefatigably puffed the credit of that institution. It is now fully ascertained that he

actually owes, \$13,000 to that Bank. He bought notes of the same bank little while after its failure at 50 percent of discount; it appearing that all the directors instead of managing the affairs of the bank for the interest of the creditors, had assigned great part of the rights and credits of the bank to an insolvent man, in order to avoid responsibility and practice greater fraud. The District Court for the state of Missouri has at the suit of the U. S. appointed trustees to hold the remaining property of the bank and attend its concerns.

It is to the combined influence of the directors of that bank and of that of the Spanish land claimants that Mr. Benton is indebted for his seat in the Senate, and by his standing of senator he has succeeded to induce the Secretary of the Treasury to confide so much in the bank as to make deposits in the same to the amount of \$152,000 of the money of the U. S. which is now in the greatest danger of being lost.

That you may be still the better guarded against every art and wile from that quarter let me present to you another trait of Mr. Benton's delicacy. A certain person of the name of Mann, who enlisted in the army and served during last war as sergeant, had a demand upon the U. S. for services rendered by his wife probably in the hospital of the army or otherwise. He requested Mr. Benton last year to attend to his claim and agreed to let him have 15 per centum for his agency. Mr. Benton at his return told him that he had been able to obtain but a part of the sum which he demanded, and then delayed returning his money under various pretences. At last Mr. Mann, by repeated applications obtained one half of it and was compelled to sue him for the remaining half which was about \$600, but as he was himself obliged to pay the amount

of a judgment rendered against him before he could recover against Benton, he found himself under the necessity to compromise with his creditor by giving an order upon Mr. Benton who accepted it upon the condition that the same should be satisfied in store goods at St. Louis prices which was assented to.

Mr. Benton was also sued on his return to St. Louis last year for a balance due since two years, for Claret drank at his table when he was canvassing for his election. Mr. B. is much indebted otherwise and must necessarily become insolvent unless he can procure the confirmation of the Spanish land claims in whole or in part by direct or indirect means. I beg leave to refer you to my preceding letters.

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St. Louis, December 2d, 1823.

(Substance)

Wm. Lucas,

Dear Sir:—I learn with pleasure that you are successful in your practice particularly at Newport. I always expected that with industry and confidence, of which the former is the parent, you would be able to succeed in your profession. You would not expect more from it—so—to, nor need you to apprehend much worse. He has put up with great yield from the barr during the last term of the court at St. Louis; he knows he stands low in the public opinion, you may easily enlist his feeling with occasional humoring.

Probably it is owing to me that you have met with the ill will of two judges. I wish the gratification you may feel to be my son over balance the inconvenience.



Strother is sinking dayly here; he advised me the other day to be a candidate for the legislature, he told me that my popularity was increasing, and that if I went to the state legislature I should stand a pretty good chance of being elected to the Senate of U. S. if not in the place of Barton certainly in the place of Benton.

Barton and other enemies of Benton seem to be disposed to make use of me, too, as a rod to punish Benton. Barton has said that all the injuries he has sustained proceed from Benton.

Barton has taken many depositions to establish his charges against Rector he has served due notice on Rector. He is in a fairer way of success than could be expected. Rector is about going to Washington. Barton went away with Dr. Buerry and a Mr. Anderson a former clerk of cub Hammond. He was told by several about the time of his departure, that if he had supported me for the Senate we would have gone on harmoniously and probably his brother would be yet alive.

I have heard nothing concerning the appointment of judge of supreme court. I don't think it probable, however, that Wm. C. Carr will be the choice, it is unaccountable to me how McNear retains so great a share of popularity abroad, it seems to me that his standing here's pretty low. The house in which he used to reside belongs now to Mullanphy, he has removed some where in the west part of the town. Possible Barton wishes that I may be candidate for representative in Cong. that I may not be in his way for the Senate, at all events I have not changed, my intentions are the same as when you left me.

As to the tax, you will oblige me if you will pay it yourself or advance the money to some sure person in Montgomery to do it. The sum 5 dollars per acre which Gammon asks for his land is too high considering the times. I wish you would ask him what is the lowest price he would take. I should like to rent the small improvement on Loute, but I would prefer anyone to Gammon, he has stript the place of a great part of the rails, he has also in his possession all the slabs of the cabin. I should like to know if the cabin is not burnt. I shall be very glad to see you whenever you can make it convenient to come.

Yours, etc.

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St. Louis, December 12, 1823.

(N. B. I have written another letter to same some time since, copy omitted.)

Albert Gallatin,

Dear Sir:—Your favour of the 3rd November was duly received, the friendly declarations and approbations of my public services which it contain are very gratifying to me. Whatever may be the result of your endeavors in my behalf I can assure you that my gratitude will never be lessened, there is however no office vacant in this state that I know of, nor any not vacant in Missouri that would be acceptable to me. I had it long since in contemplation to return to Pennsylvania and reside there permanently. Nothing has prevented me from effecting that intention but the business which I have on hand as executor testamentary of C. Lucas deceased which I expect to have closed and ended in short time. My youngest child being of age and all of them being able to provide for themselves, I feel no incon-

venience in changing my place of residence, and as to my views and pretensions to a public station, having property just enough to live agreeably to my taste and habits I don't look near so much for pecuniary advantages as for an honourable situation; I think that my pretension is fortified by the consideration of the vexations and persecutions which I have endured during a long time toedious public service in obscurity and without any opportunity to gain credit for it except from you alone. I have not even received the full pecuniary compensation such as has been allowed to the land commissioners of the respective Boards in the T'y of New Orleans for similar services. (This allowance has been made since you have left the office of Secy. of the Treasury.) I therefore beg leave to repeat to you that unless I really am satisfied that I am inferior in point of talents and character to my contemporaries and many of my juniors in public life who fill now high stations, I ought to look for something better than the appointment which was offered to me some months ago or remain in private life. I should accept the appointment of charge & affairs wherever there might be a vacancy in the courts of Europe. I am very well satisfied and I hope upon enquiry you will not doubt that if I had not made my duty as a judge and specially as land commissioner par amount to every consideration of popularity and pecuniary benefit, I should have now a seat in the federal senate and should be possessed of considerable wealth, I am sir,

With great respect, etc.,

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St. Louis, Augt. 18th, 1823.

Albert Gallatin,

Dear Sir:—I have heard with much pleasure of your safe arrival from France, but if I am correctly informed,

you are in the U. S. only for a while. Sir, if you should go back again to France, I should be thankful if you would inform me some time before hand of your departure, expecting that you would be so good as to take charge of a packet for me.

I should wish very much to know if any of my brothers have called upon you at Paris. Mr. John Jacob Astor, authorized me about three years ago to draw upon him for \$750, agreeably to the letter which I received from you at the same time.

I lately received an appointment from the President of commissioner to ascertain claims and titles to lands in the territories of Florida. A multiplicity of reasons induced me not to accept it. I thought that unless I really was satisfied that I was inferior in points of talents and character to many of my contemporaries and juniors in public life, who fill now high stations, I ought to look for something better or remain in private life. It is perhaps useless to inform you that my firm adhesion to justice between the Spanish land claimants and the the U. S. has been to me a source of persecution and grief.

We have been here overwhelmed for these few years past by numerous adventurers of desperate character, who have taken every advantage of the unhappy state of things. They have fanned the passions and malevolence of the land claimants against me to the highest degree. One of these miscreants hath picked a quarrel with one of my sons and has killed him in a duel. His name is Thomas Benton. He is one of the federal senators and has obtained the warm support of the land claimants, in consideration of the grievous injury he has done me and of having undertaken to procure the confirmation of the land claims. He is a lawyer. He was

employed as their agent before he was elected to the Senate and was to receive for his compensation a third or a fourth of the lands if confirmed. His speeches in the Senate on that subject are quite fallacious and out of the character of a senator. His designs and villany have increased my zeal and watchfulness for the interests of the U. S. I have put many a senator and representative on their guard against him, and he knows it. He has charged me here with making secret communications against the land claimants and neutralizing his efforts.

If you think that, all considered I have some reasonable claims to a particular regard from the government, I hope you will be so good to suggest it to the President.

Respectfully, &c.,

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St. Louis, Aug. 8, 1823.

Hon. J. C. Calhoun,

Sir:—The peace which we have enjoyed in Missouri and particularly at St. Louis, has always been since a great while, precarious and of short duration. It has only lasted so long as Benton and his confederates have been able to awe into silence the editors of public papers and their correspondents. The attempts which have been made from time to time to discuss in the papers various subjects of a public nature, no matter how temperate, how fair, and how decorous, have never failed to be attended with scenes of violence and blood if they operated in any shape against Benton or his associates.

The violent death of Joshua Barton is the latest instance we have of the kind at St. Louis. Mr. Barton

was attorney of the U. S. for the district of Missouri. Seeing that his brother David Barton was cried down for the vote he had given in the Senate against the nomination of Wm. Rector to fill the office of Surveyor of public lands for the State of Illinois, Missouri and Arkansas, undertook to publish a statement of the public conduct of the surveyor in the Missouri Republican, printed at St. Louis, and justify the vote of his brother. Immediately after these, he received a challenge from one of the brothers of the surveyor. He endeavored to avoid a duel by offering to prove the truth of every part of the statement he had made, but this was of no avail. He must fight. I am well satisfied that it was with the greatest reluctance he accepted the challenge, but from the well known violence of that party on former occasions it is generally believed, and for my part I doubt not that if he had not fought then he would have been assailed at the first opportunity and received a treatment worse than death. It is consolatory to see that these extremities have made the deepest impression upon the public. It has roused it to the highest degree of indignation against the surveyor and his abettors. The paragraph of Mr. B. under the name of Philo which was published in the Missouri Republican of the 25th of June,—has been republished in the other papers of the state and the public conduct of the surveyor is closely investigated and loudly censured under every respect. This appears to be the commencement of a reaction from which the most beneficial effects may be anticipated. It may be proper to observe that like Chas. Lucas, Mr. B. was district attorney for the U. S., that he had not less disposition than C. Lucas to be watchful and do scrupulously his duties, not only with respect to Indian agents, public surveyors, &c., but

with respect to Spanish land claimants, in case a law should be passed to direct them to bring their claims before the court of the District of Missouri. This may the better explain why they both have ended in the same way, and have been dispatched by the same set of men. As to myself, the same men have exhausted every means of annoyance against me short of actual violence. They knew perfectly well that I was not a man to tamper or compromise with, hence I met with their constant and strenuous opposition. They have not even blushed to contrive and circulate the report that I was a pardoned rebel in Pennsylvania and that I was elected to Congress by the old stock of rebels. Permit me to repeat to you that no man could have been more popular than me, and amass more wealth provided I had confirmed every claim, not exceeding one league square and reported in favor of the others. I presume to say that my services in Louisiana, since Missouri, have redounded to the public benefit, whilst they have been to me a real source of vexation and persecution.

Respectfully,

J. B. C. L.

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St. Louis, Jan'y. 7th, 1824.

Mahlon Dickenson,

Letter to, stating that probably the official land act of Wm. Rector, surveyor, etc. will be enquired into by the Senate. I believe that D. Barton is provided with all the miniments necessary to substantiate the charges contained in the essay of the late Joshua Barton, attorney, etc. Rector has numerous relations. Bold, they have heretofore kept in awe the defenseless and the timid. The influence which Wm. Rector has derived

from his office and relations induced him to disregard official restraints. I have nothing to say as to the documents senator Barton has taken with him, they will speak for themselves. The deceased Barton was distinguished. The public opinion ran strongly against Rector. Barton has always been popular and is much more so since his opposition to Victor in the Senate last session has become known here. Benton owes his seat in the Senate chiefly to the influence of Victor. He would not retain it now if the people had it in their power to turn him out.

Yours, etc.,

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St. Louis, Jany. 7th, 1824.

(Letter to the same as the preceding one to Mahlon Dickenson.)

Rufus King,

Yours,

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St. Louis, Sept. 11th, 1826.

John H. Pleasant,

Real Editor of Constitutional Whig.

Mr. Editor:—The "Constitutional Whig" of the 4th of Aug. came fortuitously into my hand not long since. The extracts which it contains from one of the numbers which have been published in the Missouri Republican, under the signature of a farmer, refers so immediately and pointedly to records and other documents which are in the hands of public officers in the same place where Mr. Benton resides and at the doors of his friends, that the author of those remarks or the editor who published them, instead of being an impudent dog only could not be less than a mad one if those extracts or any part thereof were false, but I assure you that direct, specific



and weighty as are these charges, neither Mr. Benton nor his friends have dared to deny them, although they have been repeatedly challenged to do it. They have remained mute. Indeed they could not deny or contradict them without falsifying the records of the two courts and other public documents which stare in their faces. Thomas H. Benton cannot shake off the mass of turpitude which overwhelms him by any means short of a miracle. All that the editors of his process in Missouri or probably himself have attempted to say by way of set off, is that Mr. Lucas whom they pretend to be the author of these numbers is a malicious old man "who has a foot in the grave and the other on the brink of it". Mark, they have not presumed to say that he has stated anything falsely, and as to his being so near dissolution, if true, it would prove still more against them for the appalling sight of the grave and death has the strongest tendency to check or dispel malice and corruption, at any rate, the merit of the charge don't stand upon the faith of the author, and I don't know of any reason why my name should impair its effect.

The press would be of little or no use in a free community if from extreme delicacy such facts as those adverted to in the numbers if a farmer had remained unnoticed. The test has certainly been very unpleasant to me, but there are civil duties that must control our natural inclinations. I have long time waited in expectation that some one else would save me that trouble, but it has been in vain. The danger has become so imminent that at last I have subdued my repugnancy and I have gibbeted Thomas H. Benton from conscientious motives and with the same feelings as if I had actually both legs in the grave.

Your humble servant,

JOHN B. C. LUCAS.

P. S. You are at liberty to publish this communication. I am known to several prominent characters in your state. This will satisfy them that I am still the same. (Not a half-way man.)

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December 1st, 1820.

John Quincy Adams,

Sir:—Being under the expectation that several of my friends at Washington have recommended me to the President to fill the office of Judge of the District Court of the U. S. for the state of Missouri, I beg leave to direct your attention for a moment to the peculiar circumstances which I have been placed in since fifteen years that I am one of the superior judges in the territory of Missouri. I have been under the disagreeable necessity to check and resist numbers of the former favorites of the Spanish authorities who were little used to a fair and impartial administration of justice. I had to encounter many desperate and lawless characters from almost every part of the world and to contribute to make them feel the effects of legal restraints. As land commissioner I had to withstand the rapacity and fraud of many a land claimant. They have since transferred considerable parts of their claims to influential American citizens and thereby have increased the means of annoying me.

They have endeavored to alarm the people by representing me as an emancipator on the frivolous pretext that I had suggested before the election for the convention, the propriety of providing in the Constitution that no slaves should be imported from any state in the state of Missouri after ten years from the date of the Constitution.

Notwithstanding their efforts and misrepresentation, I had an honorable support in both houses as candidate for the Senate of the U. S. Out of six candidates I was next to Mr. Benton, who was elected by a majority of one.

It is beyond all kind of doubt that I had it in my power to make a colossal fortune and to secure to myself an unrivalled popularity. I sincerely wish that the persecution which I have endured from the land claimants, that my virtual self-denial of a seat in the Senate, by undeviatingly pursuing the interest of the U. S. be not lost and unproductive to the public. A self-approving conscience puts me out of the reach of all regrets.

If I wish to obtain the appointment of judge, it is more for the purpose of proving to my enemies in the state of Missouri that my services and fidelity to the U. S. are duly appreciated at Washington, than upon any other account.

Respectfully, &c.,

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St. Louis, January 4th, 1821.

John Quincy Adams.

Sir:—Having been lately informed that some of my friends at Washington had made an application to the President and to yourself on my behalf for the appointment of judge of the District Court of the U. S., for the state of Missouri; having also had myself the honor to address you a letter to that effect, and expecting every opposition from Mr. Benton and also probably from Mr. Barton, senators from Missouri, in order therefore, that you may the better understand and appreciate the disposition and sentiments particularly of Mr.

Barton, I here enclose you a number of the St. Louis Enquirer, which contains an extract of a letter from him to the editor of that paper.

I am perfectly satisfied that Mr. Barton would not have written such a letter had he been in his senses. He must have been drunk then, as he often is, however. I have no doubt that it contains his genuine sentiments for "*in vino veritas*".

It is to be lamented that our state be represented by such men, and that the editor of the Enquirer be so lost to any idea of propriety and regard for the interest of his country as to give the letter publicity. The Enquirer is owned by Henry & Co. This company is avowedly and notoriously Thos. Benton, who has been the editor of that paper since the commencement of its publication until he went to take his seat in the Senate. You may well imagine that he has used it as an electioneering engine for himself and friends, and yet he has been elected with the majority of one vote only, and in order to obtain it he went on the day of the election to one of the members of the House of Representatives who was in his bed dangerously sick and urged him to suffer to be carried to the house, to which he consented, contrary to the advice and opinion of his physician. It is thought that this member was at that time partly out of his senses. As soon as his vote was given he was carried to Mr. Benton's house, where he died not long after. The same member had the day before the election requested me to take him to my house. I told him that it was out of my power to do it. If I had consented to have him taken, I presume I could have had his vote if I wanted it.

I received at my house at the same time, another member who was also very sick. Several friends of the

latter expressed a wish that he might be carried to the house to give his vote. He appeared also to be desirous to do it, but I opposed it, observing that I had given him hospitality in order to render his situation more comfortable than it would be had he remained in a public house and to render his recovery more prompt and more certain, that I would not suffer that he should expose his life nor give a vote which would render my motives doubtful and even induce many to question my integrity. I prevailed upon his remaining tranquil in his bed. Such were the circumstances under which I lost the election and Mr. Benton gained it.

This Mr. Benton has unrelentingly pursued Charles Lucas, a late son of mine, until he has brought him to the grave by shooting him down in a duel. The cause of the challenge which Mr. Benton sent him was a mere pretext. The real motives were that he foresaw that the fair character and promising talents of Charles Lucas would stand in the way of his ambitious views and now he seems to reap the full benefit of his crime, being the counsel and agent of the Spanish land claimants and also as I believe interested in their claims. He had their full support whilst they most actively opposed me, as I had reported as commissioner, against a considerable number of their claims.

Most respectfully, &c.,

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St. Louis, October 27, 1821.

(Not Sent.)

John Quincy Adams,

Sir:—Although I intimated you some time before this my desire to be appointed judge of the District Court of the U. S. for the State of Missouri, I hope you will not

consider me to be importunate if I renew the application. I don't present myself with the ordinary monuments, viz: a recommendation with a long list of subscribers. Had I complimented the numerous and influential holders of Spanish land claims with the land of the U. S., where as commissioner I had power to confirm their claims and made a report in their favor in other cases, no doubt that I should not be wanting their support at this moment, nay I am sure that I should have had the offer of the 1st offices of the state, but as the local interest of many influential men of this state stands in direct opposition with that (against that) of the U. S. at least on a very important subject, they and the friends which they have at Washington are not the best qualified persons to recommend a fit character on this occasion particularly if we take into view that in case they cannot smuggle through their claims by some unguarded act of Congress their dernier resort will inevitably be to obtain the passage of an act to be authorized to bring their claims before a court of the U. S. which, I presume, they would wish to be the District Court of this state. Therefore, in order to enable you to judge of my qualifications I have chosen another course, and beg leave to refer you to divers acts of mine as an officer of the U. S. which are not less notorious than opposite.

In the first place permit me to state that I have been for fifteen years a judge of the territory of Missouri, that I was the senior judge in years and commission.

2d, that, notwithstanding the difficulty of administering justice, both from the uncertainty and complication of the laws which in contracts were French, in other cases Spanish, and likewise from the lawless and desperate disposition of not a few of those who first emi-

grated from the U. S. and other parts, no specific charge has been made against me.

3d, that I am a graduate in the faculty of laws at the university of Caen in Normandy and have with me my diplomas.

4th, that I was deemed the most competent judge in all matters that arised under the Spanish and French laws, and equal to other judges in matters arising under the statute and the common law.

5th, that as from the view I had taken of the Spanish laws and usages concerning the distribution and disposal of the former Spanish domains in Louisiana it was my misfortune not to be as favorable to land claimants as the other commissioners were. I have brought upon me the redoubled resentment and vengeance of the Spanish land claimants and of all others that have become interested in their claims.

6th, that since we have become a state, every ambitious and designing man, whether concerned or not in the land claims has seized on that opportunity to bear me down and thereby to prevent me from winning into competition for popularity. To save details I beg leave to refer you to the Hon. Wm. H. Crawford who had an opportunity to examine the genl. rept. of the commissioners and the special rept. on the claims to land containing lead mineral or salt springs. I also refer you to a report of the Secretary of the Treasury to the President of the U. S. page 85 of an appendix to a book styled *Laws & Treaties & Other Documents Having Operation & Respect to the Public Lands*, collected and arranged pursuant to an act of Congress passed April 27th, 1810. I beg also of you to take notice that I have resided during 21 years in Pennsylvania. That I was re-elected to the 9th Congress when I left it in 1805. For further

particulars of my character there, I refer you to Mr. Lowrie, senator, or any other western member from Pennsylvania, and for my private or public character in Missouri I refer you to Messrs. Edwards, Thomas, and Cook from the state of Illinois. Their place of residence is not more than 20 miles from St. Louis. I hope they are sufficiently acquainted with the public characters of this state and yet sufficiently disinterested to do me justice. If after having discharged faithfully my official duties under the most trying circumstances I am discarded or neglected, I am apprehensive that such an example may produce the most pernicious consequences, especially with the former Spanish subjects who have become members of a free community, by accident perhaps, many against their will, and will also in a manner verify what I have been told often by land claimants "why don't you take the proper course to make us rich and yourself popular and rich also? The executive of the U. S. will not thank you for your rigid adhesion to what you deem to be right. State popularity, however ephemeral or spurious will mostly prevail." I hope you will attribute my apparent solicitude to obtain the appointment to higher motives than mercenary considerations. I pledge my honor that if I had it I would not hold it longer than twelve months. I take the liberty, sir, to request you to show this letter to the president.

I am, &c.,

N. B.—Mr. Bates, delegate from the territory of Arkansas may satisfy you on my standing in the state of Missouri.



November 9th. 1821.

John Quincy Adams,

Sir:—Having lately received information that it has been circulated during the last session of Congress that I had written to divers members of Congress from the non-slave holding states and informed them that the persons opposed to slavery were getting in power in Missouri,—in order to induce them to hold out against the admission of this state into the Union and it is said that in consequence of this Missouri is largely indebted to me for the humiliation which she has been subjected last winter. I also understand that such report has been credited by some members from the slave holding states and perhaps by the president. Permit me, therefore, to assure you and through you the president that these reports are utterly false; that I never have written anything to any person at Washington or elsewhere, directly or indirectly for or against the questions for authorizing the territory of Missouri to become a state or for admitting Missouri into the union; that I believe such reports have originated with the agents and partners of the Spanish land claimants at Washington, whose object is to injure my standing and reputation with the members from the south, and to induce the President to believe that I am hostile to the best interests of the people of Missouri and that hostility is reciprocated in order to deter him from appointing me to the office of District Judge, and secure it to one of their favorites. Whether the President will appoint me or not to that office is of no great moment, but it is quite important to the public not to let the Spanish land claimants or their partners have any of their creatures placed in that situation, as most probably they will have and expect to have their claims brought

before the District Court of the U. S. for the state of Missouri in case they cannot succeed in getting them confirmed by Congress in the lump at some unguarded moments.

I am well informed and believe that Mr. Benton is agent of the Spanish land claimants; that he has an interest in the claims for his agency. I know that John Scott and Gov. Clark are owners of unconfirmed claims to a large amount; that Benton has incessantly advocated the Spanish land claims in the St. Louis Enquirer, of which he was until lately, one of the owners and editors. I know that the great object of my enemies at Washington is to overwhelm me with calumnies and persuade by every possible means the president and you that I am extremely popular if not odious in Missouri. Messrs. Edwards and Cook whose place of residence exceeds not 25 miles distance from St. Louis, and who, of course, must know something of my standing and character, public or private, are best qualified to inform you of the true state of things as they are no parties to the jealousies and dissensions of the citizens of this state. I hope they will do so; if the President has received unfavorable impressions I hope he will be undeceived.

I am, &c.,

J. B. C. L.

N. B.—I further declare that all the lands which I own in the states of Missouri and Illinois does not exceed 1000 acres, and that I have no unconfirmed claims.

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St. Louis, Jany. 24, 1823.

Hon. J. Q. Adams,

Sir:—I should have made to you much sooner the present communication had I not been prevented by sickness, for there is an impending danger, although

the subject don't come within your department, I am nevertheless persuaded that as a citizen you are always desirous to contribute by any means to guard the government from any impositions whatever. I know perfectly the department to which the subject of land claims belongs, but as I am well satisfied that the Spanish land claimants and the delegation of our state in Congress, which I might say are identified, will support Mr. Crawford for President if they cannot carry Mr. Clay. The former is placed in a delicate situation might not be as an efficient check on the present occasion as could be wished.

Perhaps you may already be informed that the Spanish land claims in Missouri and Arkansas, which have been reported against by the former Board of Commissioners, and by the Recorder of land titles, &c., are numerous and to a great amount that they are frivolous generally and most of them null ab initio. The interest and influence of the land claimants, which was originally great, has been much increased and enlarged by not a few transfers of claims in whole or in part, to persons of weight and influence in Missouri, Kentucky, Tennessee, &c. In fact, the influence of these land claimants has become such that it is through them that Messrs. Benton and Scott have been elected to Congress. Mr. Barton is the only one that has a substantial popularity and a standing based upon the public opinion.

It is indubitable that Mr. Scott is himself a land claimant. He stated it so once in his electioneering hand bills. I know one of his claims in particular. Mr. Benton was the counsel and agent of the land claimants before he was in the Senate. He drew their petitions, &c. Besides retaining fees, he had contingent one to

be paid in definite quantities of land. The statements and arguments which he made and urged before the Senate on the land bill which he reported last year were the mere devices of a lawyer and entirely out of the character of a senator. His private circumstances are desperate. He owes to every body and pays no one. After many promises and come off, he was sued on his return from Washington last year for the wine he had used at his table when he entertained the members of the legislature before his election to the Senate. He is found to be indebted to the Bank of Missouri for upwards of \$11,000. Scott is for \$10,000, partly to the Bank of Missouri, partly to its branch at Ste. Genevieve. He was a noted puffer of the Missouri Bank until its failure. They owe more than their property is worth, indeed, property commands hardly anything here.

Benton and Scott have charged Messrs. Edward and Cook from Illinois with having used their influence with you to prevent Grey, their man, from being appointed Judge of the District Court of the U. S. in Missouri. However you have lost nothing with them. You were objectionable to them at any time and under any circumstance. They belong to that description of persons who seize every opportunity to bear down and abuse all eastern men without discrimination. They grant no truce nor peace to what they call a Yankee unless he denationalize himself and adopt a course of which he would blush at in his native state.

Mr. Benton must have been sorely affected when he was under the necessity of introducing last year to the Senate a bill on the Spanish land claims providing that these claims should be referred to the judiciary for decision. I am well satisfied that he had a radical objection to this clause of reference. I saw the bill as

it stood when reported. I noticed in it a variety of subordinate provisions calculated to circumvent and over-reach. There was also a principle interpolated which is entirely foreign to Spanish laws and regulations and would infallibly have trammelled the question of Spanish law. Happily I saw after that the bill had received several amendments which certainly were against the will of Mr. Benton.

I am inclined to believe that he would have voted against the final passage of the bill, was it not that he wanted to have the appearance and name at home to have done something and I have no doubt but that he suggested to Mr. Scott to introduce material amendments to the bill before the committee to which the House of Representatives had referred it, and not urge its final passage in order to avoid a defeat.

Mr. Scott is entirely under the influence of Mr. Benton. He is his echo.

It is to be supposed that a bill more suitable to the land claimants will be reported this session, probably in the House of Representatives. They will endeavor to avoid a reference to a court of justice by any means whatever. They will watch the opportunity to take the house by surprise, probably towards the end of the session.

Not only a reference to the judiciary is absolutely necessary, but the judges ought to be untrammelled, the mode of proceeding in court, the effect of decisions, ought to be perfectly the same as they are in ordinary cases between individuals.

The bill introduced last year before the senate by Mr. Benton was certainly over-reaching. No claims ought to be referred to courts but those actually entered on record with a due notice according to the sev-

eral acts of Congress passed from time to time on that subject. I am well satisfied that no regular Spanish registry was kept of Spanish concessions issued in that part of the province now included in Missouri and Arkansas for the last six or seven years preceding the surrender of the province by the Spanish government, that the registry exhibited of concessions made during that time is spurious. If the bill should embrace any other claims but those recorded it would be providing for claims not actually made upon the U. S. it would be granting ultra petitem.

You have it in your power to render a particular service to your country in giving a timely warning to your friends in both houses of Congress on that weighty subject.

Permit me to observe that beside the great injury the U. S. would receive should Messrs. Benton and Scott succeed in procuring the passage of a law on the land claims suitable to their views, the state of Missouri would be incumbered and annoyed with men of colossal fortunes, who, among other evils would have it in their power to keep a considerable part of the country wild and unsettled and would exercise that power until they should obtain such prices as they would set upon their lands. Benton, Scott and their party would be enabled to bear down and crush more and more, every independent man, and as to myself I should be rewarded for my fidelity to the U. S. with every indignity which a set of tyrannic and triumphant upstarts should think proper to make me endure. I am,

Respectfully, &c.,

St. Louis, Aug. 1st, 1823.  
(Sent by duplicate.)

Quincy Adams.

Sir:—The commission from the President to me for ascertaining claims and titles to lands within the territories of Florida, together with your letter of the 3d ulto, advising me of the same have been duly received. Although I have the happiness to enjoy a reasonable share of health and vigor, many a consideration, however, prevents me to accept the appointment.

I have the honor to be sir,

With great respect, &c.,

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St. Louis, Feby. 8 or 15. 1827.

John Quincy Adams, President.

Although I am fully convinced that the French and Spanish land claims or any right or title on which they are grounded never can be made more secure before any other tribunal than they are already under, an act entitled "An Act, &c., Enabling Land Claimants to Institute Proceedings, &c."

Although I am seriously apprehensive that the land claimants look for something more than justice, that is for a donation under the color of confirmation, and that they are conscious they are undone if they can get nothing more than their due. Although I have done all I could during this session to alarm several members of Congress and put them on their guard against the evils and artifice of Mr. Benton and other agents and partners in the French and Spanish land claims, and my most earnest wish is that no change be made in the present legal provisions on that subject. Nevertheless,

in as much as it is here reported that an act is going to pass for removing these claims from a court of law to a special tribunal or Board of Commissioners, being conscious that from the knowledge I have obtained on this subject as a former land commissioner I am perhaps better prepared than many others to act again on those claims. I beg leave to inform you, that in the event of a passage of such an act I should have no objection to be appointed one of the commissioners. You may well be aware that Mr. Benton and other agents of the land claimants will take good care by discreet means or circumvention to have such persons recommended for these situations as are disposed to confirm anything. I know very well I am the last man they would wish to see in such a Board. I assure you, however, that I harbor no hatred nor prejudice against the land claimants, far from it, I had to combat my own feelings when I reported at a former period opinions against the claims that remain unconfirmed. The original claimants are most all of French origin, speaking French and retaining French manners. They had a partiality for me. They were ready to load me with favors. Mr. Benton would have been put on the background, perhaps for ever, if I had been willing to sacrifice my duties to my cupidity and ambition. It cannot be expected that Congress would refer those claims once more to a Board of Commissioners without establishing new criteria to decide by. I should respect them whatever they might be.

The Secy. of the Treasury is the sole person beside you to whom I have made a similar intimation.

I am,

Respectfully, &c.,



(Date not well remembered,—perhaps Sept. or Oct., 1826.)

J. Adams, President of the U. S.

Sir:—Lest the result of the last election in the state of Missouri should lead you to erroneous conclusions, I have thought it might be useful to suggest to you my own reflections on the same subject. Premising that John Scott had originally no weight of character, nor the reputation of a man of abilities, nothing but the force of a party could raise him to a seat in Congress. His popularity had much declined at the election. Before the last he had but a very small majority over his opponent who was by no means formidable. All circumstances attending the last election satisfy me that his popularity was just worn out and extinct, indeed, his vote in your favor gave him more friends than enemies. However, it has happened that a great many friends of your administration have denied him their support in consideration particularly that he had been generally too dependent of Mr. Benton, and had preserved with the latter even after this one had denounced and exposed him for the vote he had given for president, but the greatest cause of Mr. Scott's failure was that his opponent was also friendly to your election, and is favorable to your administration, as a more efficient opponent to Mr. Benton to whom he has always been hostile; possess better abilities, is a better manager, &c., and I am well satisfied that Mr. Benton would sooner have wished to see Mr. Scott elected, had it not been for the attainment of the favorite object, to-wit, to sustain his repeated assertion that Mr. Scott's vote in your favor is reprobated by the people of Missouri, thus Mr. Benton's triumph is extremely limited.

Many think it probable that the next legislature will be favorable to the re-election of Mr. Benton to the Senate. It has circulated through the state not less than 5000 pamphlets containing his speech on the graduation of the prices of the public lands. This is a most proper subject to excite the liveliest interest among the farmers. It has produced a considerable effect in his favor, however, the best informed and most independent part of the community are not gulled, they hold out firmly against him; they daily expose the fallaciousness and impeachability of his schemes. The most serious charges have been brought against him in three numbers under the signature of "a farmer". He and his friends have been repeatedly challenged to deny them. They have remained mute. His character is prostrated. Many of his friends are staggering and apparently ashamed. He daily loses ground with that part of the community which is not immediately attached to a party. His adherents charge me with being the author of those numbers. I have neither confessed nor denied it. I keep something more in reserve for him before the legislature proceed to the election of a senator.

Had I, as many do, preferred popularity to principle and official duties, I might have been easily elected to the Senate of the U. S. five years ago, and could be re-elected now, but having as a former land commissioner reported against many French and Spanish land claims, having at the solicitation of the District Judge and the District Attorney argued in behalf of the U. S. nearly two years ago an important Spanish land case, and thus vindicated the opinions which I had formerly given as land commissioner, having succeeded in obtaining a decree in that case in favor of the U. S. which is the

first and makes a dreadful precedent having also exposed the turpitude of Mr. Benton, I had both the friends of the latter and the land claimants with all their dependents to encounter as a candidate for the legislature at the last election, notwithstanding all these I had a respectable minority.

Although Mr. Benton has represented the executive patronage to be so dangerous in its consequences as to justify the necessity to report several bills to curtail it, it happens, however, that he wields at pleasure the political force of the officers of the general government who are located amongst us, they all, except Judge Peck and Bates supported the ticket favorable to Benton's re-election. The superintendent of Indian affairs did not vote at all but all his dependents were for Benton's ticket and himself is entirely devoted to Benton. On his return from Washington last spring, he spread the report that Benton occupied the first rank in the Senate. That he was talked of as likely to become president in the course of time. This Wm. Clark has nothing to recommend him personally except his trip to the Pacific Ocean. He knew so little of his duty as Indian agent as to be publicly concerned in Indian trade, and was actually president of a Furr Company and trading up the Missouri in 1808 and 1809 whilst he was Indian agent. He also kept Indian goods for sale at his store in St. Louis. It was him who had laid the plan of a military expedition from St. Louis to Prairie Duchien in 1813 and 1814. He caused a very large boat to be built which he manned with a large crew. Many of them had \$20 pay per month. He took care to have his nephew Ben O'Fallon with a boat following him as sutler, who swept all the money of the crew. He erected a fort at Prairie Duchien which was taken

by the British a few months after. The latter annoyed our force at the Rapids of Mississippi with the very same artillery which they had taken from us at the Prairie Duchien and no one was benefited by that expedition but Genl. Clark his nephew & Co.

If I am correctly informed, the Indian agents have generally been appointed at the recommendation of Genl. Clark. Those offices are filled with his nephews, brothers-in-law, or other friends and dependents. They are mostly loitering at home and are nearly sine cure. He stands in such relation with them that he cannot denounce them when they lack of due attendance he is not a proper check. There is a great yield of hypocrisy practiced among the officers of the general government here. They are the friends of general administration in words. They are its enemies in deeds.

It is understood here that Benjamin O'Fallon, who has not been at his post this great while, is going to resign his Indian agency. If so, permit me to suggest, that in my opinion Mr. Clark's recommendation to fill that vacancy ought not to be attended, and in doing so there would be a double benefit for the incumbent would not be dependent of Mr. Clark, nor would he expect any indulgence from him. Messrs. Bates and Barton are among the few that may be safely depended upon for information.

There is, I believe, no state in the union where the influence of military men is more felt than in Missouri. Beside the officers actually belonging to the army, we have a great many disbanded with their esprit de corps in full vigor they amount to something considerable, relatively to our thin population. They are all devoted friends of Jackson and Benton. They were all but one against me at the last election. It is impos-

sible for you to humor them by liberality or forbearance. We have one of them, John O'Fallon, nephew of Wm. Clark, formerly aid de camp to Genl. Harrison. He has accumulated wealth as sutler at the Council Bluffs. He has been succeeded by Geo. Kennerly, formerly officer in the army, brother-in-law of Clark, sub-agent, &c. He is another creature of Benton, Jackson, &c., he is making much money as sutler.

I have from various circumstances reason to suspect that there is a flagitious collusion practiced between the sutlers and the officers. The goods are said to be charged to the officers at a very low price, whilst the soldiers have to pay very high. I am informed that whilst Mr. O'Fallon was sutler he was allowed to charge the soldiers twenty per cent more than usual on the price of merchandise. On his suggestion that he had lost some goods by sinking of a boat on the Missouri. It is in consequence of such fraudulent practices and oppression that the discharged soldiers cry down the service in the army, prevent at all times and particularly in time of war the army from being recruited to the necessary number and with young men of good character. There is another way of imposing upon the soldiers,—it is by allowing sutlers to sell on credit. The soldiers are not permitted to dispute the accounts of sutlers against them although they may be fraudulent. The officers never fail to interfere in favor of the sutlers. It seems to me that sutlers ought to be admitted as other contractors an offering to sell on the cheapest terms in order to obviate the evils arising from the partiality of officers in favor of sutlers. All persons that held at any time a commission in the army ought to be disqualified from being sutlers. Perhaps

it would be expedient that sutlers should give security that they shall keep a proper assortment, &c.

Among the various schemes made use of by Mr. Benton during the canvass of the last general election, a petition has been circulated among the Spanish land claimants intended to be presented to you in order to induce you to recommend in your next message to Congress that the land claims be submitted to one or more commissioners to report thereon to Congress on the ground that it is oppressive to compel claimants to institute suits before the District Court of the U. S. for Missouri as is now provided by law. These claims have already been referred once to a Board of Commissioners whose report is lodged in the general land office. Another part of these claims have since been referred to the recorder of land titles at St. Louis. The land claimants have already been dealt with most liberally. They have had great yield,—more land than confirmed than could be justified by the French and Spanish laws under which their claims originated. There is no way of getting rid of the claims which remain unconfirmed but by judicial adjudications or by confirming them all at once. The quantity for which suits are now instituted before the District Court is not less than a million of arpens of choice land. If all of it was given away, all the expense which government has been at to have a discrimination made of the legal claims from the illegal ones, would be lost. Fraud and perjury would receive a high premium, and Mr. Benton who has acted in the capacity of their agent at Washington at the same time that he sat as a senator, would have thereby a large fortune secure, whilst I who have sacrificed popularity, peace and all social comfort for more than twenty

years, to my sense of duty to the U. S. would be the laughing stock and scorn of all.

That you may have something more than my word to satisfy you that I have used my earnest endeavors to defend the interest of the U. S. as land commissioner, I here enclose a letter of Mr. Gallatin to me, acknowledging it. I also enclose a pamphlet containing the substance of an argument which I have delivered before the District Court of the U. S.

My apology for addressing you this letter is that it relates to a subject which concerns you personally and is somewhat connected with other matters though of a public nature, which I wish to communicate to you confidentially.

I have the honor to be, sir, &c.,

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February 2d, 1820.

James Alcorn,

Sir:—The paper here enclosed, viz: answer in Missouri Gazette to writer from Carondelet. Suggest him to apply to have answer published in National Intelligencer. Assurance that everything will be done here by publications or other possible means. Every one here believes that Mackay is the author of the letter. Land of Missouri offered for sale at door of Congress. Some other thing than money is looked for payment.

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2d May, 1825.

(Certificate in favor of James H. Adrian.)

Having been acquainted with Mr. James H. Adrian of St. Charles County from his tender age, and also having for these last 15 years seen and heard of him occasionally, I seize with pleasure this opportunity of stat-

ing that I believe him to be an active and enterprizing man who has been particularly useful during last war in a military capacity and as a woodsman on the frontiers, and that he is well qualified from his discretion, judgment and experience to discharge the duties of Indian agent or fill any other situation connected with Indian affairs.

J. B. C. L.

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St. Louis, 3d March, 1824.

D. Barton, Senate,

Sir:—Your favor of the 28th Jany. last, enclosing a bill, &c. was duly received. Owing to indisposition, I was unable to write to you on the subject to which it refers, by the mail preceding this.

My opinion upon this bill or any other public subject is of little weight or importance at any time, and still less so when the Senate of U. S. have provided upon it.

I think with you that the U. S. are not bound to enter their courts as a party against the Spanish land claimants. There are however two considerations that would have induced me to prefer the adjudicating of claims. The 1st is because the interest of the U. S. would be more safe in a court of law. The 2nd because the claimants being in a manner strangers and claiming under a right which had originated under their former sovereign and having become dependent of the U. S. without their previous consent, there has been by the transfer a kind of violence committed upon their rights, agreeable to our own theories and principles concerning the rights of men, which we ought to endeavor to atone for by treating their, if possible, claims to land rights with a greater respect and tenderness than those of the ancient citizens, by making the U. S. descend on a level



with them as parties in a court of justice and thus leaving them not even a shadow of reason to complain in the cases where their claims may be declared illegal or otherwise insufficient. I make no doubt but that you believe that their complaints in case their claims were rejected by a recorder, however unfounded, would or might bear a color of duress which it would not have had they been rejected by adjudication.

The bill or project of Mr. Benton was in my opinion quite objectionable. The provision that you have introduced in the 3d Sect. was very necessary and is a corrective much beneficent. I should wonder that such an amendment could have been resisted by Mr. Benton, knowing as he perfectly does that the country is greatly suffering from the chasm and disconnection of settlements produced by numbers of immense tracts thus claimed and remaining in a state of wilderness and not bearing a due proportion of tax, having also under his own eyes a memorial of the legislature of Missouri which he has presented to the Senate during the session preceding this and which states fully the grievances resulting from these claims remaining so long undecided, and prays that provision be made by law to have them brought before a competent tribunal in order that they be finally decided. Considering all these I say I should wonder at the opposition of Mr. Benton had I not long before now made a just estimate of the man.

Respectfully,

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St. Louis, May 25.

Lewis Martin,

(Letter to, concerning his negro Jack.)

Jany. 30th, 1825.

David Barton,

Sir:—The documents which you have directed to me have been received. I return you my thanks for your polite attention. I know of no occurrence in this part of the country worth mentioning. The protraction of the session of the legislature seems to create a considerable uneasiness particularly among the farmers of the county of St. Louis on the ground of expense, &c. The opposition to your election for the Senate has created a considerable excitement amongst the members of the legislature and many other persons. It has elicited a loud expression of feeling and sentiment quite unfavorable to the prospects of Mr. Benton. They appear to be forerunners of his political downfall. It is not worth while noticing his adjuncts. They are now a nonentity, vixerunt. I make no kind of doubt but Benton let no opportunity escape to misrepresent my standing in Missouri. You have had for about two years past, great opportunity to improve your knowledge of man. If you have gained much that way you certainly have paid dear enough for it. I hope that you will consent to be explicit and say frankly on proper occasions to Messrs. Monroe and Adams what you think of me generally, and what place I seem to occupy in the public opinion.

Respectfully, &c.,

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St. Louis, Feby. 24, 1826.

David Barton,

Sir:—Mr. E. Bates having come out as a candidate for representative in Congress, the office of District Attorney will become vacant, if he should be elected. If you had not formed any previous engagement with another

applicant and should Wm. Lucas be deemed by you qualified to fill that office, you would do me a particular favor in recommending him to the president for that situation.

There is nothing that I know of in our part of the country worth mentioning. You, no doubt, know that Mr. Benton's underlings are doing their best to injure you in the public opinion, by circulating any kind of tales. Mr. Benton, however, if fully retaliated upon as you have seen in several numbers of the Republican.

Very respectfully, &c.,

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About 5th February, 1828.

David Barton,

(Answer to Mr. Barton on the merits of bill reported to Senate, 9th Jany., 1828, for the final settlement of claims to land, &c.)

I have stated my objections to the principle of the bill. I have suggested in case the principle should be retained various amendments to render it as little dangerous and offensive as possible. I have hinted that should such a bill pass with the clause that any paper such as concession would be *prima facie* evidence would lay the onus of proving a negative upon the U. S. whilst the rejection by the Board of Commissioners ought to be a *prima facie* evidence that the documents exhibited were unavailing in law and otherwise insufficient beside the general principle that the onus *probandi* lies upon the plaintiff. I have suggested also the want of judicial responsibility of commissioners. The great temptations to which they would be exposed that should the land claimants succeed the loss to the

U. S. is incalculable. A revolution in property would follow. Some of the worst men in society, Benton for example, whom by this time he must be able to appreciate.

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January 15th, 1820.

Philip B. Barbour,

From the intimate knowledge which as a former land commissioner in the territory of Missouri I have obtained of the Spanish claims to land in the former province of Louisiana, and the laws and usages under which the Spanish government distributed land to its colonists, I am perfectly satisfied that Congress has been very liberal under every respect in its legislation and that all claims that were either legal or equitable or possessed any merit however remote, have been satisfied and confirmed except a very few indeed which have been the subject of a special report as containing lead mines or salt springs. Had Congress provided for these few claims either by exchange of an equal quantity of land not containing lead mines or salt springs, or by confirmation complete justice would have been done, but things have taken another course, and a most ample provision has been made by an act of the 12th of April, 1814, in favor of a description of claims which possess no kind of merit in law or equity, and in doing this Congress has departed from the cardinal points upon which the best rights of U. S. to the national domains in the former province of Louisiana turns, and from its aberrations the land claimants thus favored have received a new encouragement to press and urge the confirmation of the residue of their claims, not failing at the same time to argue a pari with some plausibility or speciousness.

Your parliamentary experience has no doubt long before now enabled you, sir, to notice that whilst one or two of the most prominent subjects of legislation seem to absorb at every session the attention of all the members of Congress to such a degree that the speakers on those occasions stand, as it were, in the way of each other, and the debates become almost endless, there are other subjects by no means unimportant, altho perhaps less entertaining or less attracting the public attention, which are little or not at all understood by a great many, and whose fate often depends upon such a report as the committee to whom the subject is referred may think proper to make.

Being persuaded from the reputation you enjoy, that you are induced to serve your country from much higher motives than the mere display or show of usefulness, I beg leave to submit to you a few remarks in order that you may be the better enabled to meet the Spanish land claimants in the course of the present session. If we judge from the number of persons interested in these claims that have left St. Louis to attend the present Congress we would be induced to believe that they are perhaps going to make greater efforts than ever. If we should trust to their late declarations, we would be induced to believe that they are more sanguine of success than they ever have been before. Probably the subdivision which they have made of late date of their largest claims, by sale, among influential men of the west is what renders them so confident.

In turning to the files of the House of Representatives it will be found that there are three bills concerning these claims which remain among the unfinished business. The first of them was reported on the 10th of

February, 1818, and is entitled "A Bill Supplementary to the Several Acts for the Adjustment of Land Claims in the State of Louisiana and Territory of Missouri." I was then at Washington. Several conspicuous members were timely alarmed. The bill whose consequences would have been ruinous to the U. S. was seen under its proper colors. Its few friends became so sensible of the fate that awaited it that they adopted a most extraordinary course by moving a reference of the whole subject matter of it to the Secretary of the Treasury.

In pursuance of that reference I am informed that the Secy. made a report at the last session, of a bill whose governing principle is that the Spanish land claimants, under certain regulations shall be sent to courts of justice, and stand there on a level with the U. S. on the score of their claims.

I am likewise informed that the committee on public lands also reported a bill at the last session pursuing the same principle. The land claimants, except a very few, as I said before, whose claims are for land containing lead mines or salt springs, knowing perfectly that their claims cannot bear judicial scrutiny, have used their best endeavors to keep back these two last bills, and I am credibly informed that altho they make a great noise and assert very confidently that the treaty between the U. S. and France of 1803, secures their rights from any violation, yet they dread nothing so much as to come before a constitutional tribunal and have there those very same rights ascertained, so much so that some of the best informed among them have declared that altho their present claims have remained for fifteen years undecided, they would be willing to wait fifteen years more sooner than to have their claims referred to courts of justice.

The whole dependance of the land claimants now rests upon their favorite bill of February 10th, 1818. There is no doubt with me but that they will lie on their oars and never will press their bills upon the house but when they will believe that the alarm has subsided or when they will find the house so thin and so composed as to afford fair hopes of success.

Congress, in its several acts of legislation from the 2d of March, 1805, until the 2d of August, 1813 inclusively, had been invariably governed by two leading principles, viz. that no concessions or orders of survey had any legal effect or created any obligation on the U. S. unless they were issued prior to the first of October, 1800 (the date of the treaty of St. Ildefonso) and were duly registered, which evidently meant on a Spanish registry. The act of the 12th of April, 1814, entitled "An Act for the Final Adjustment of Land Titles in the State of Louisiana and Territory of Missouri" is the first that has departed from those principles, thus the most dangerous inroads on the rights of the U. S. to the former Spanish Royal Domains in Louisiana have been made.

The pretension or power of the French or Spanish governments to grant or give away the national domain in Louisiana, not only after the 1st of Oct., 1800, but even so late as the 10th of March, 1804, has been acknowledged by Congress, so that the pretended concessions, warrants or orders of survey for land made by the Spanish commandants at St. Louis, in quantities not exceeding a league square, for and during more than three years after Spain had parted with the right of domain, have become obligatory on the U. S. This prostration of principle has produced such ruinous consequences as to legalize in the Territory of Missouri the

concessions or orders of survey issued by the Spanish commandant during nearly three months after the U. S. had taken formal possession of the province of Louisiana, altho his sovereign had ceased in right and fact to exercise any power or jurisdiction over the province, and he (the commandant) was under no kind of responsibility, then, neither to his sovereign nor to the U. S.

Let it be remarked that the Spanish Land office for the province of Louisiana had been closed several years before, that the power of granting land had, by a royal ordinance dated at St. Lorenzo in July, 1798, been taken from the governor and transferred to the intendant as a fiscal concern, and that the intendant (Inau Ventura Morales) had, by his regulations published in July, 1799, expressly retained the power of distributing and granting land and had only vested in the commandants of posts the power or duty to state on the margins of the petitions of the colonists for grants of land, their circumstances, such as the number of their families, their qualifications as tillers of the soil (Labradores) and other specifications required by the regulations.

As the strongest proof that Carlos Debault Delasus, (who was Spanish Commandant at St. Louis from August, 1799, until the United States took possession of Louisiana) knew himself that he had not the power to issue concessions or orders of survey, I state that I, as a land commissioner, had the perusal of two documents under his own hand writing dated some time in Oct. or Nov., 1800, which were in answer to applications to him for grants of land by colonists purposing the following, viz: "It is now out of my power to issue concessions or orders of survey. This power exclusively belongs to the intendant. The most I can do for you is to make the most favorable statement in my power



concerning your qualifications to receive a concession." This is, however, the officer whose concessions of a date subsequent to those documents, for leagues square, have been construed to be embraced by the act of the 12th of April, 1814, and consequently have been confirmed.

I have thus dwelt upon the effects of the act of 1814 because beside the undue advantage it has given to land claimants, they are endeavoring to make use of it as an entering wedge, and by extending its aberrations and dereliction of principle to another description of claims which it had not embraced in order to obtain by degrees, that which they would be afraid or ashamed to ask at once.

The act of the 12th of April, 1814, is the prototype of their favorite bill reported Feby. 10, 1818, with this additional evil that this last bill provides for the opening of an office of record, in order to enable, I presume, the old claimants more than any body else, to make new entries of claims and also to authorize them to file *de novo* in the new office any claim which may have been disallowed by the former Board of Commissioners and whose proof they may consider incomplete and insufficient, that they may have another opportunity of improving upon the testimony, which is so much the more dangerous as the testimony will be taken *ex parte*, the bill not providing for the appointment of an agent to appear in behalf of the U. S. and as from past experience many witnesses have evinced a great docility and disposition to accommodate the land claimants.

Let it be observed that nothing is more dangerous than to open an office for new claims, especially when the date of the treaty of St. Ildefonso is abandoned no Spanish registry is required to authenticate the claims,

and the conditions precedent under the Spanish laws and customs are laid aside.

From various circumstances I have been induced to suspect that some person had blank signatures of the commandant who preceded Dehault Delasus and that they have been used to create claims, and as to Mr. Delasus he now resides at St. Louis. He is quite at hand, and deeply concerned in land claims. Should that bill pass the national domains will be at his mercy. I leave it to you decide whether so great a proportion of the most valuable property of the U. S. ought to be in the power of any man and particularly of the former commandant Delasus under the circumstances before related.

From all I have been able to collect I am satisfied that the objects of the land claimants is to render the report of the former Board of Commissioners useless and negatory. They have endeavored to impress the idea that their claims were not confirmed by the commissioners for want of power. This assertion is entirely false. The laws under which the latter acted shows indisputably that they had the power to confirm absolutely any claim for land not exceeding a league square according to the French and Spanish laws and customs, and were authorized and required to report severally their opinions upon any claim for any quantity of land, whether in favor or against. Let the land claimants designate the claims on which the Board has reported a favorable opinion, and if Congress refuse to confirm them, then let them complain.

For my part I don't know of one in which an opinion for confirmation has been given, and if so it is false to say that the commissioners did not confirm their claims because they had not the power, for the increase of

power could not have changed the obligations to make their decision according to their opinion and judgment.

Nothing seems to me more obvious and proper than when the commissioners appointed to act upon certain claims have given it as their opinion that those same claims ought not to be confirmed, and the claimants contend that they ought, the matter ought to be referred to courts of justice, as the only constitutional tribunal to decide upon controversies.

There is a mass of fraud in the greater number of those claims which the commissioners have not very earnestly endeavored to unravel or expose, because, although the law under which they acted authorized them to compel the attendance of witnesses, nevertheless there was a lameness in their power, as they had no ministerial officer to enforce their process, and more than once the witnesses refused to answer to proper questions, especially some of the old Spanish officers. The commissioners were induced also not to insist on that power, because almost all their claims were otherwise illegal and unavailing. Taking them all together they present a formidable aspect, from their number and the quantity of land which they call for; it matters of no less than several millions of dollars worth of choice land of the territory, but in truth it is nothing more than a great superstructure without a basis.

Having as a land commissioner been perhaps the least favorable to land claimants, of course I have become the most odious to them. This dislike has increased from the disappointment of the greater part of them, who are of French origin and who, of course, expected more kindness from me than from the other commissioners. Many of these good people who act, mostly, with honor amongst themselves, seldom or perhaps

never have acted ever honestly with their sovereign. It seems that they cannot reconcile with the idea that, with me, the interests of the U. S. should not give way to theirs.

As a specimen of the course I have pursued as land commissioner, I beg leave to refer you to the report of Mr. Galatin to the President of the U. S. upon Deberque's claim which is contained in the 84th, 85th and 86th pages of the appendix to the Land Laws, being a compilation made, as I believe, under the direction of Mr. Galatin.

Without being willing to deviate from the independent course which I have taken with respect to them all, whether they be American or French, nevertheless I don't wish to irritate them anew. I therefore request you, sir, to make such a use of my communication as you may think best, without mentioning my name. Of one thing you must certainly be satisfied, that if I have not received a bribe from the U. S., my hands must be clean and my motives pure.

Yours,

(Sig.) JNO. B. C. LUCAS.

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St. Louis, January 2d. 1824.

Philip Barbour,

(Substance of letter about the same as the preceding to Geo. Graham.)

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St. Louis, June 3d. 1827.

James Barbour,

Secy. of War.

Sir:—Having been requested to submit to you my opinion of the fitness of Mr. James Reed of St. Louis to fill the office of Indian agent for the agency of Prairie du

Chien which has become vacant by the death of the late incumbent, I beg leave to state to you that from the activity, regular habits, correct conduct and the long residence of Mr. Reed's at the Council Bluff, and his former situation of a clerk of the superintendent of Indian affairs at St. Louis, I believe him to be well qualified to fill such a station. There are other considerations that would make me wish him to have that appointment. He is independent of Genl. Clark and expects nothing from him. Of course, he would be under the necessity to be always at his post and would be kept under proper checks which is not the case with certain other Indian agents who are the favorites of Genl. Clark and are suffered to loiter at home, receiving salaries which they don't earn, not even in part.

Mr. Reed is from Virginia, is married at St. Louis in an ancient and respectable family of the former Spanish inhabitants. His appointment would be a considerable gratification to this description of persons, who are very far from having had their due proportion of the favors and kindness of the general government. Having no private object to attain, but wishing merely to see public offices placed in proper hands and prevent monopoly or combination of power and influence in any knot or set of men, I will mention you another person for the same office. His name is Auguste Pierre Chouteau of St. Louis. He has received a military education at West Point. He is Indian trader, a man of strict honor and eminently qualified for that station. I believe he would accept the appointment. He is now on the Arkansas River trading with the Osage Indians. I must say, however, that I am not authorized by him nor any of his friends to mention his name.

I have the honor to be,

Respectfully, &c.,

St. Louis, Feby. 10th, 1817.

Jos. Beatty,

Sir:—Mr. Devores, sheriff of the county of St. Charles, has informed me on the other day that you had a slave, I believe a mulatto man, for sale. I requested him to inform you that from the character he gave me of the slave, I was disposed to buy him and by assigning a day I was willing to meet you at St. Charles, where most probably we would close a bargain about it. Now, sir, I will meet you there on any day you may choose to mention provided the river can be crossed. I shall be able to pay you the whole price in land.

Yours,

J. B. C. L.

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St. Louis, December 3, 1820.

G. Brown,

(In answer to his letter dated Vincennes. 14. Oct., 1820. I say that I remember to have been acquainted at Pittsburgh about 1795. That there is no prospects for him and Mrs. Tillinghast to find employ at St. Louis as teachers.)

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St. Louis, Nov. 10, 1820.

Hon. J. C. Calhoun,

(The same as the preceding one to Wm. H. Crawford, omitting only to mention that Benton is the friend and relation of H. Clay.)

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John Calhoun,

Sir:—Having lately received information that it has been circulated during the last session of Congress that I had written to divers members of Congress from the non slave holding states and informed them that the

persons opposed to slavery wer getting in power in Missouri, in order to induce them to hold out against the admission of this state into the union; that in consequence of this Missouri is largely indebted to me for the humiliation to which she has been subjected last winter.

I also understand that such a report has been credited by some members from the slave holding states and other gentlemen. Permit me therefore to assure you that these reports are utterly unfounded; that I never have written anything at Washington or elsewhere to any person directly or indirectly for or against the questions for authorizing the territory of Missouri to become a state or for admitting Missouri into the union. That I believe such report has originated with agents and partners of the Spanish land claimants at Washington whose object is to interrupt the good understanding that may exist between me and numbers of gentlemen from the south as they suspect that I correspond with them on subject of land claims and may again alarm them.

Yours respectfully,

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St. Louis, Jany. 31st, 1823.

Hon. J. C. Calhoun,

Sir:—Presuming that you are not ignorant that a large balance of the Spanish land claims reported upon by the commissioners remain in statu quo, and that the land claimants have made various attempts to procure the passage of an act suitable to their wishes, permit me to suggest to you that far from being discouraged, their eagerness and industry increases with the difficulties, and that the absence of Mr. Lowndes,

perhaps of others, will probably give them this session a fresh encouragement to renew their attempts. Unfortunately the interest of many influential men here is at variance with that of the U. S. Nothing is more just though at the same time more objectionable to land claimants than to have their claims referred to a court of justice. Finding that they could not avoid in the bill reported last year the reference to the judiciary, they endeavored to chide its effects by interpolating principles unknown to the Spanish laws trammel the court. Knowing perfectly your devotion to the service of your country, I make no doubt but you will put your friends in Congress upon their guard.

Yours, &c., &c.,

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St. Louis, February 19, 1825.

Wm. Clark, Superintendent,

Letter to stating that I have repeatedly sustained waste and damage from various bands of Indians and especially on the 1st day of November, 1824, by a band of Indians said to be of the Seneca tribe. This last waste induced me to require Mr. Alexander, who, as I am informed, was under employ in Indian affairs, to have those Indians removed from my premises and at the same time to satisfy me for the damage I had sustained from them. They were removed, but as to the damage done, he said that he had no power to arrange that matter.

Now, sir, I beg leave to present to you the enclosed bill of the damage which I have sustained, expecting that you will pay a due regard to my claim.



(Copy of Bill.)

United States Indian Affairs,

To John B. C. Lucas, Dr.

To waste and damage committed on my farm adjoining St. Louis, on the 1st day of November, 1824, by a band of Indians, said to be of the Seneca tribe, who have cut thereon a considerable number of saplings and other timber for their encampment and fuel, \$15.00.

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St. Louis, July 22d, 1826.

Wm. Clark, Superintendent,

(Letter to, complaining that Indians are encamped at my spring,—have done damage.

Requested to remove them immediately, or I shall take the legal means to do it.)

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St. Louis, Jany. 18th, 1827.

Robt. P. Clark,

Boonville,

Dear Sir:—I have endorsed a draft of Thomas Carrall on Mr. F. Maher of New Orleans which I am advised by a notary is protested for non-payment. The draft is not yet returned. It is for \$300. I request of you the favor to see Mr. Carrall, who, as I am informed resides at Boonville, and ascertain from him whether he can indemnify me immediately, and in case he should be able to refund the whole sum and all expenses incurred, I authorize you to receive from him such property as you can get and give a discharge of the whole in my name. Leaving all to your sound discretion. I felt a particular disposition to oblige Mr.

Carrall although I don't remember to have heard of him or seen him but two days before I endorsed the note before mentioned for him. He was born and raised in my former neighborhood in Pennsylvania. I knew his mother more than 40 years before she was married. Governor Carrall was a particular friend of my late son Charles Lucas, thus my feelings alone induced me to oblige him without reflection. I heard soon after I had made the endorsement for him a very unfavorable account of him. From general report he must be destitute of truth, honesty and property. Most probably Mr. Maher owes him nothing nor has authorized him to draw upon him. This looks very much like swindling. I beg of you to manage my affair with him in the best manner; you can take property should it be worth but one hundred dollars sooner than to lose all. In order to induce him to some compromise, assure him that if he evinces a sincere wish by his acts to indemnify me as much as he can provided always it be to the amount before mentioned I shall say nothing of the transaction to no one. I hope you will have the goodness to do all you can for me on the present occasion and inform me as soon as convenient how far you have succeeded or what are your prospects.

Respectfully yours,

J. B. C. L.

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St. Louis, Jany. 14, 1827.

Thomas Carrall,  
Boonville,

Sir:—I have received notice by last mail from a notary of New Orleans, dated 19th December, 1826, that your draft in my favor on Mr. Maher for the sum of three hundred dollars, dated 28th day of November,

1826, was this day protested by him for nonpayment and that the holder looks to me for the payment as endorser thereof. I told you at the time I endorsed your draft that I was not in trade and of course my property was not in cash. The draft and protest has not been returned yet. I request you to use the necessary diligence to save me the difficulty of making that payment myself, and in case you could not and have no other means to indemnify me but by paying in property, wishing to make some sacrifice sooner than to expose you. I have authorized Robert P. Clark, Esq., to settle with you on such terms as he may think reasonable and give you a discharge for the same.

Yours,

J. B. C. L.

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St. Louis, November 16, 1821.

Daniel Cook,

(Letter to, informing him that I went to Edwardsville to see him. Was too late. Saw Gov. Edwards. Having been informed that I had been represented at Washington last winter as communicating with members from non slave holding states, advising them to hold out against admission of state; that restrictionists were gaining power in the state, and clause inhibiting slavery would be introduced in constitution, &c. That this request was believed by members from the south. Therefore I requested him to state to President, Mr. Adams and others that I had never written anything at Washington or elsewhere for or against the Missouri questions, and also to state what he knew of my private and public standing in Missouri, and to inform him, Mr. Cook, of my wish that he would himself do as much for me. That since that time I have received

more particular information that such reports had been made to the President for the attainment of a particular object in consequence of which I earnestly solicit to make the statement in question to the president as soon as possible, and to favor me with a letter if he finds it convenient.

Respectfully yours,

J. B. C. L.

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St. Louis, Feby. 8th, 1822.

Daniel P. Cook,

Dear Sir:—Your obliging letter of the 31st of December was received. I give you my sincere thanks for the offer you make me of your aid. I never requested any person in the state of Missouri or Illinois to recommend me to the President for the office of District Judge or any other, if I had I should have as soon applied to you as to any other persons for that purpose, but, sir, having lived long time and believing also that my private and public character is well known at Washington, I have merely intimated that such an appointment would be acceptable. I never felt a strong desire to obtain the appointment, much less did I feel a disposition to be solicitous and importunate about it. The period of life which I have gone through, together with my peculiar relish for independence could not allow me to go further than I have done. You have complied with my request to the full extent. I had chiefly in view to prevent my calumniators at Washington from taking anything by their villany, and have the President, the Secretary of State and others undeceived in case the reports in question had made any impression on their minds. I am, dear sir,

Respectfully yours,

J. B. C. L.

St. Louis, Feby. 24, 1826.

Hon. Daniel P. Cook,

Sir:—I forwarded to you, some time since, a sketch of the argument which I delivered before the District Court at St. Louis in November, 1824. Notwithstanding the multiplicity of business which absorb your attention, I hope that you have been able to allow some share of your attention to that argument. I should like very much to learn if it has operated a conviction on your mind. In endeavoring to be concise perhaps I have failed or fallen short of perspicuity. If I had the opportunity of conversing with you, I think that I should be able to satisfy you upon any point that might rise a doubt in your mind.

You know, I presume, that Mr. Bates has avowed himself to be a candidate for Congress. In case he should succeed, the office of District Attorney would become vacant. You would do me a particular favor if you would recommend Wm. Lucas to the president for that situation. It is my opinion that he is fully competent to discharge the duties of that office. I presume that Mr. Barton knows enough of him to give you an opinion of his qualifications and character.

Respectfully, &c.,

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April 29, 1823.

H. Cozens,

I am really sorry that my repeated calls upon you for these three months past, for the arrears of house rent you owe me had no effect. Let me repeat to you that if I was not in real want I should let you coose your time and consult solely your conscience. True it is, the sum due is small, but in these hard times property fetches but little, and that little is the more

wanted. At any rate, if the sum is small, it can be the more easily paid. I have borrowed some money about two months ago which I must now return. I have no means to do it if you don't let me have what you owe me. I might do, however, for the present, with \$50. I have notes to the amount of \$500 which will be due to me next September, but this cannot answer the present purpose.

Yours, &c.,  
J. B. C. L.

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St. Louis, December 20th, 1822.

Wm. H. Crawford,

Sir:—Having been informed that the commission of surveyor of the public lands and now held by Wm. Rector, is going to expire, permit me to mention you the name of Mr. Stephen Glasscock of the County of Rall in the State of Missouri, originally from Virginia, as a person well qualified in my opinion to discharge the duties of that office.

I am personally acquainted with Mr. Glasscock. He is a practical surveyor and had the surveying of one or more districts under Mr. Rector. He is a man temperate, of great industry and application. For further information concerning Mr. Glasscock I beg leave to refer to one of his former neighbors, Thomas L. More, Esq., representative in Congress from Virginia. I am, &c.,

J. B. C. L.

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St. Louis, Jany. 4th, 1821.

Wm. H. Crawford,

Sir:—You will, I suppose, recollect that I joined in a recommendation three years ago with several gentle-

men from Vermont, in favor of Pascal P. Enos, Esquire, for the appointment of receiver in some of the land offices in the state of Missouri. Being informed that he has not yet been appointed, and that he resides now in the state of Illinois, the fair and honorable character, which from the best information I am satisfied he enjoys in the state of Vermont, coupled with the personal knowledge I possess of his honesty and fitness since he has resided in these parts of the country induces me to assure you with an additional degree of confidence that he fully deserves the patronage of the government and would in my opinion discharge with advantage to the public the duties of receiver in a land office. I understand that he would prefer such a situation in the state of Illinois.

Respectfully, &c.,

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St. Louis, Nov. 26, 1821.

Wm. H. Crawford,

(Letter to, stating that I having last year intimated him the wish to be appointed judge of the District Court of U. S. for State of Missouri, I am induced to believe that the friends of land claimants are the persons who have reported at Washington last year that I have written to several members from the non slave holding states that if they persisted to refuse their assent to the admission of the state of Missouri the restrictionists gaining strength daily would be able to have introduced at last in the constitution a clause inhibiting slavery.

I declare that I never wrote a line at Washington or elsewhere for or against the Missouri questions. That I have reason to believe that such report has originated

with the agents and friends of the land claimants in order to create prejudice against me and secure the place of judge to one of their creatures.

Having been for more than 15 years a judge of the territory of Missouri and being the senior judge in commission, I think that my pretensions to the office of District Judge are reasonable.

I request you to acquaint the President with this declaration. Messrs. Edwards and Cook from the Illinois who reside within 20 miles of St. Louis are proper persons to inform you of my standing, public or private in Missouri.

Respectfully yours,

J. B. C. L.

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December 14, 1823.

Wm. H. Crawford,

It being probable that the office of surveyor which Wm. Rector holds will be vacant some time during the present session of congress I beg leave to mention the name of Col. Justus Post as a person fit in my opinion to fill that office. Mr. Jones, former Sey. of the navy made a particular enquiry of him to me when I was at P'hia 5 years ago. He spoke very favorably of him. He was employed lately by the state of Illinois to ascertain the practicability and means of making a canal from the Lake Michigan to Chicago. As an engineer I doubt not of his qualifications, etc.

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(Way mail letter.)

Jany. 27, 1824.

Wm. H. Crawford,

Sir:—There is a number of persons that have lately taken their departure from this part of the country for



Washington under one pretext or another. The real motive of several of them is to hunt for offices. Mr. McNear is certainly one of them and most probably Thos. Reddick is another. They are both insolvent. McNear is a man of little or no information, possessed of the manners and address suitable to gain popularity on a frontier and no where else. He was notoriously a bully on the side of the federalists at the elections in Pa. in the very same district which I formerly represented in Congress. Mr. Lowrie might have heard of him. Mr. Farely must certainly know something of it. Reddick has gone for these 15 years through the vicissitudes of an intriguing man, who never had any capital of his own, but succeeded in obtaining credit for merchandize, etc., gave but little or no attendance to business, spent his time in pleasure and gambling, and at last was made president of the Bank of Missonri when this establishment became so situated that no man who valued credit and character could be found to be put at the head of that institution. Mr. Reddick is plausible and possesses an appearance of ardor through which he has some time gained an unmerited confidence.

From circumstances and reports I am induced to believe that bargains and compromises have been made lately here in consideration of which these visitors to Washington have obtained recommendations. If Col. Strother who is now candidate for Congress is elected there will be a vacancy of receiver which might be very acceptable to some one. An insolvent man, however, is very ill suited to that office.

It is expected here that an office of Indian agent for some parts of Missouri or Mississippi adjacent to us will be created this year. If so, McNear will not fail to be an applicant for it. It is probably superfluous to men-

tion that there is much duplicity used by some of our representatives at Washington. If I am rightly informed they have a tale and pursue a certain course suitable to the meridian of Washington and another for this country. Perhaps you don't know that Mr. Benton has a lien on the press of the editor of the St. Louis Enquirer which must secure him nearly as much influence over the Enquirer as when he was the editor of it himself. He was extremely active last year in procuring a recommendation of the Missouri legislature in favor of Henry Clay as candidate for the presidential chair. The St. Louis Enquirer supports now Clay and Calhoun, whilst, if I am correctly informed, Mr. Benton pretends at Washington to be much interested in favor of another candidate.

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St. Louis, Jany., 1825.

Wm. H. Crawford,

Sir:—Having lately been informed that the office of receiver of the public monies at Edwardsville, (State of Illinois) has become vacant, permit me to recommend to your attention Mr. Joseph Charless of St. Louis as a person well qualified to fill that station. He owns several valuable houses in St. Louis where he resides for these sixteen or seventeen years. He is an industrious man, a good manager and the head of a respectable family. I believe him to be perfectly clear of debts.

I have the honor to be,

Respectfully, &c.,

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St. Louis, February 17, 1824.

Mahlon Dickenson,

Sir:—The waste of blood and public money consequent to the hostilities committed by the Vicars last

summer upon the party of Wm. Ashley, will, I hope, induce Congress to make some amendments to the acts regulating intercourse with the Indians. I call it waste because Mr. Ashley had no just claim for protection, being himself violator of the laws of his country. In turning to his own letter of the 4th of June, 1823, to Major O'Fallon, a copy of which is contained in the documents accompanying the message of the president it will be seen that Mr. Ashley had purchased or traded with the Indians for forty or fifty horses a little before they made an attack upon his party. It appears from the same documents that he had a license to carry on a trade with the Indians up the Missouri. This business is of a general nature, it does not embrace the base of trading for horses. There must be a license for that special purpose. See Sect. 10th of Act Regulating intercourse, is of March 30th, 1802. Mr. Ashley had no such license. Of course the kind of trade he had just carried on was unauthorized by law. He was not then an authorized or licensed trader. It will also be seen by his letter that his party was composed of 90 men. It was originally composed of a much larger number who had deserted him some time before. But even 90 is a much larger number than is necessary to carry on trade, but it not too great for the purpose of hunting and trapping. From this circumstance it is inferrible that the purpose of Mr. Ashley's expedition was unlawful throughout. An extract of a letter from the Secy. of War to Genl. Wm. Clark, superintendent, &c., which is a part of the same documents, also shows that Major O'Fallon an Indian agent, knows nothing about the laws regulating intercourse with the Indians, as he supposes that Genl. Ashley and Major Henry have obtained licenses to trade, trap and hunt on the upper

Missouri. It shows also that the law regulating intercourse is a dead letter on upper Missouri. This would well justify an enquiry into the subject of Indian affairs.

For my part I am well satisfied that so long as licenses will be granted to trade with the remote Indians as has been provided by a subsequent act, the practice of hunting and trapping by the whites will continue, pillage and hostilities by way of retaliation on the part of the Indians will also continue.

If the British have the good will of the Indians up the Missouri and the preference upon us is trade, it is because they carry it fairly. They leave to the Indians exclusively the benefits of hunting and trapping, and the business of trade creates a reciprocity of convenience and interest which affords more security than any military post could. Should a military force be posted higher up the Missouri, the number of points of contact would increase in the ratio of the advancement and the consequent increase of collision would multiply the causes of hostilities. There would be then as much reason to march from the post 600 miles west as there was last year for marching from the Council Bluffs against the Vicaras.

Mr. Ashley has stated also in his letter that Vicaras were killed in an affray with some men of the Missouri Furr Company. The cause of that affray is not stated; it often happens that the Indians pillage the trappers, which brings murders in retaliation.

There is in our part of the country an interest among some which is some time discrepant and even entirely opposed to that of the U. S. This kind of interest may find advocates in the Senate. In consideration of these I have thought that these communications might be

useful. They are made in a true Republican spirit, in the meantime I beg of you to consider them as confidential.

Respectfully,

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February 17, 1824.

Rufus King,

(Letter to, of same tenor as the foregoing of same date to Mahlon Dickenson.)

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February 17, 1824.

Saml. D. Ingham,

(Letter to, of same tenor as the foregoing of same date to Dickenson Mahlon.)

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St. Louis, December 21, 1821.

Wm. Eustis,

Sir:—As you have been long time absent from the U. S. and you have but lately resumed a seat in Congress, therefore, lest you should not be sufficiently informed of the many defects of the Spanish claims to land in the State of Missouri which remain unconfirmed; lest also you should not be sufficiently aware of the artful means which have been heretofore used and will, no doubt, be recurred to during the present session of Congress, to procure the passage of an act for confirming the same or for putting them in a proper train for confirmation, permit me to observe you that by the 4th section of an act of Congress of the 3d of March, 1807, &c., (the sequel is the same as in the letter to Walter Lowrie of the same date.)

St. Louis, Jany. 25, 1822.

Hon. Wm. Eustis,

Sir:—Seeing that a resolution has been brought in the house of representatives, &c., the same except the 1st line as letter to Walter Lowrie of same date.)

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St. Louis, December 7th, 1821.

Merrion Edwards,

Sir:—Having received additional information that the requests invented and circulated against me at Washington concerning supposed communications to retard or prevent the admission of Missouri into the union had originated in a deeper design than I had originally imagined and had been productive of greater effect than I was aware of, permit me to solicit you to state as soon as you conveniently can to Messrs. Nath. Macon, Barbour, Dickerson, Condit, Ruggles, Walter Lowrie, &c., the declarations which I made to you and also what you know from your own knowledge or from general reputation of my public and private character, likewise of my present standing in Missouri.

It is reported here that there is much canvassing at St. Charles on the subject of our next representation in Congress. Messrs. Green, Geyer, Tompkins are spoken of as candidates.

I should feel happy if you could make it convenient to write me a few lines.

Yours respectfully, &c.,

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February 4, 1824.

Nenian Edwards,

Sir:—It being generally expected here that another office of Indian agent for some parts of the Missouri or Mississippi will be created during the present session

of Congress, I beg leave to intimate the desire which I have to fill that station. I hope you will be so good as to consider this communication as confidential. You are the only person from Missouri or Illinois to whom I do or would make such an application. You may ascertain at Washington, if you have not already done it, that I have been undeviatingly and uninterruptedly an active republican for these 35 years. That I was particularly so in 1798-99 and 1800. That in 1799 I was appointed judge in Pa. by Gov. Thomas McKean, etc., etc.

I have received the packet containing the public documents which you had the goodness to direct me. I cordially thank you for it.

I shall be under a particular obligation for any information you may think proper to favor me with.

Respectfully,

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November 26, 1825.

(Letter to)

Thomas English.

(Concerning Simon Black informing that Simon is discontented. Wishes to go back with him. Has great regard and affection for Mrs. English. Would sell him for \$250. Request answer. How much he would give. I will dispose of him within course of three months. Prefer to sell him to you on his account. Perhaps I would let him go for less.

Yours, &c.,

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St. Louis, December 27, 1821.

Patrick Farrally.

Sir:—Presuming that you are the same gentleman who resided about 18 years ago on or near Erie on

Presquisle, whom I knew from reputation, and to whom I was probable known in the same way, I beg leave to submit to your consideration a short statement relating to the French and Spanish claims to land in the state of Missouri which remain unconfirmed as I apprehend from the intrigue and artful means that have heretofore been used similar one with an additional influence derived from the late incidents will, no doubt, be exerted. The residue is the same as in letter to Walter Lowrie, dated December 21st, 1821, except reasons because, &c., which are omitted.

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St. Louis, November 22d, 1819.

Albert Gallatin.

Sir:—I beg leave to recommend to your civilities and attention M. Everist Maury, who has for several years past resided at St. Louis, Miss. Territory, and where he still has a considerable interest in land and other property. He informs me that he is about to take a journey to Europe and visit Italy, from whence he originally came. Being a citizen of the U. S., probably he may also under that respect be in a particular want of your aid and support in the attainment of some important objects.

I am, &c.,

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J. B. C. L.

St. Louis, Jany. 18, 1825.

Albert Gallatin.

Dear Sir:—I have learned that the office of judge of the Ty. of A. is vacant or going to be, so I beg leave to inform you that I should wish to obtain that appointment and request your support with the president if you deem me to be worthy of it.



If instead of removing to Missouri 19 years ago I had removed in Penn. it is probable that long before this time I should have acquired a standing which would justify my pretensions to a higher situation than this, but as it is I hope you will be pleased to take into consideration that in my self-denial by thus retiring in the wilds of Missouri I have not become entirely useless to the U. S. Although I have not received the recompense usually attending good and useful deeds such as reputation. At the express request of the judge of the district court and of the district attorney of Missouri I have taken part in behalf of the U. S. in an argument before that court against a claim derived or pretended to be derived from the Spanish government for 10000 arpens of land. This is the 1st claim brought before the court of the U. S. under the late act of Congress to try such claims. I need not to say that this circumstance has opened wider than ever the breach existing between the land claimants, their adherents and myself.

No doubt but Thomas W. Benton, their agent and counsel to whom they have procured a seat in the Senate in order to have their interests the better attended to in Congress, will second their views against me at Washington so far as will lie in his power.

I am,

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St. Louis, Jan'y. 18, 1825.

J. C. Calhoun,

(Letter, to same as the foregoing to Albert Gallatin.)

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St. Louis, Nov. 9th, 1821.

Gales & Seaton, Printers,

Gentlemen:—Having lately been informed that an extract from your editorial remarks contained in the

National Intelligencer of the 10th of March ulto. which has been published in the St. Louis Enquirer of the 14th of April, ulto., with a comment thereon under the name of a Missourian has given occasion divers persons to circulate or give to understand that I was one of those that had given the incorrect information alluded to in your remarks, and was the indefatigable agent of mischief spoken of in the comments of the Missourian. This report being utterly false and calculated to bring an undeserved odium upon me both at Washington and in the state of Missouri. I therefore request you to republish the following extract and part of the comment which relates to the same, so that the charge being before the public it may be known that I meet it entire.

From the St. Louis Enquirer, April 14, 1821.

“Communicated”

From the National Intelligencer of March 10.

“We believe, indeed, that such as opposed the admission of Missouri in order to compel her, by refusing to admit her on any other terms to introduce into her constitution a clause inhibiting slavery, labored under the disadvantage of incorrect information and of a misapprehension of the effect of the course which they proposed. The private letters from Missouri ought not so much to have been relied on as the unanimous declarations of her authorized agents.”

For sixteen years a system of secret communications has been carried on from this place to the seat of the general government. It has attacked the characters of individuals, &c., &c.

Finally this indefatigable agent of mischief has attacked the sovereignty of the state of Missouri and has undertaken to array a majority of Congress against her

rights by imposing on the members from the non slave holding states the most unparalleled falsehoods. Secret communications have been made to effect this object, stating that the restrictionists were getting into power in Missouri and that a majority of the people were now in their favor. Various information has given intelligence of their infernal work, and there rests not a doubt but that Missouri is largely indebted to it for all the humiliation to which she has been subjected last winter."

Whether your belief of incorrect information and private letters from Missouri, &c., &c., was founded on your own knowledge of the fact or of the reports circulated is of no importance to me, I shall speak only for myself, I do positively declare that for these three years past I have not been at the city of Washington, nor have been more than 25 miles beyond the bounds of the state of Missouri, that I never have written anything to any member of Congress nor any other person at Washington or elsewhere, neither when the question of authorizing the territory to become a state under certain restrictions was agitated before Congress, nor since, when the question of admission of Missouri into the union was before that body, nor at any other time that was directly or indirectly in favor or against either side of the questions. I further declare that I never wrote or otherwise suggested to any person at Washington or elsewhere, that in case Congress should refuse the admission of the state into the union on account of the clause in the constitution concerning free persons of color, the people of Missouri would change in any manner the provisions of the present constitution on the subject of slavery, nor did I believe they would. Neither did I state in writing or otherwise that a majority of

the people of Missouri were now in favor of restriction on the subject of slavery, nor that the restrictionists were getting into power in the state of Missouri and that a majority of the people were now in their favor.

Gentlemen, I am, &c.,

J. B. C. L.

N. B.—You will be pleased to insert the contents in your paper. If you think proper to charge me for it I will satisfy you.

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St. Louis, June 22d, 1827.

Stephen Glasscock, Esq.,

Dear Sir:—I should have availed myself of the information you gave me by your favour of the 8th January last about the sale intended to be made of the negroes belonging to the estate of Mr. Lane's, but the weather was so intensely cold and the notice was so short that I despaired to be there in time. I regret very much you did not know that I had changed my residence as it deprived me of the opportunity of seeing you when you were at St. Louis. I thank you for settling the taxes of our land in Ralls County. As you had the goodness to inform me that in passing through Bowlinggreen you would examine if our land in Pike County had been listed. I should wish to let me know the result of your enquiries on that subject.

I have not been able as yet to buy a negro woman for my son. If you could hear of one between 12 and 20 years old, sound and known to be a tolerable good negro you would oblige me much in letting me know it, and mentioning me also the price it could be got for. I should forthwith go to your part of the country and try to close the bargain.

I never heard if you had succeeded in obtaining a sufficient number of subscribers to the printed petition which I transmitted to you. At any rate the land claimants have lately given a signal evidence that they view the claims for which they have instituted suits before the District Court of the U. S. as hopeless. They tried again at the last term of the District Court held at St. Genevieve about two weeks ago and at the same court now sitting at St. Louis, to have their cases continued but they could not succeed in consequence of which sooner than to come to a trial they have dismissed all their suits but one at St. Genevieve, and the other at St. Louis. This a plight and discomfiture which speaks a volume against the legality of those claims. In thus running away from the court authorized to decide the land claims upon the broad principles of justice and equity conformably to the laws and usages of the respective governments under which those claims originated, the land claimants and their counsel of whom Benton is one, virtually acknowledged that I could not as a commissioner report conscientiously in favor of their claims, and that I have been slandered and persecuted for these 22 years in consequence of my having served the U. S. with fidelity and resisted the temptations of wealth and popularity.

I hope you will favor me with an answer as soon as you conveniently can. I am,

Respectfully, &c.,

J. B. C. L.

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St. Louis, Nov. 14, 1823.

Hon. Geo. Graham,

Sir:—Your letter of . . . of July last concerning lead mines, salt springs, their number, the titles of the same

was duly received. Not being possessed of any satisfactory information on that subject, I delayed answering until now in expectation that possibly I might acquire some. I sincerely regret not to have had it in my power to obtain any sufficiently accurate to be worth mentioning. The information which I once possessed as one of the commissioners to ascertain to ascertain titles and adjust claims to land, in the district of Louisiana, is too far gone from my memory to rely much upon it. More than eleven years have elapsed since the commissioners report was made to the Secretary of the Treasury. It is, I presume, lodged in your office, and it affords a more specific and surer answer than all I could say. There is a separate and special report made on lead mines and salt licks. I remember that it is not as comprehensive and minute as it ought to be for the agent of the U. S. did not collect and lay before the board any information although the act concerning that subject prescribed that he should do it. Another report has been made by the recorder of land titles and in 1816 under the authority of an act for the final adjustment of land claims, &c., of the 14th of April, 1814. The particulars of this report are unknown to me, but you are in possession of it. The recorder, Mr. Bates, is much better qualified to answer your enquiries, having received additional

(Manuscript torn.)

salt water could be gotten in hundreds of other places; particularly up the Missouri; as to the lead mines it is well known that the lead region extends from the head waters of St. Francois to near Prairie Des Chiens and cross the Mississippi into the Michigan and Illinois state. New discoveries are daily made and notwithstanding the provision of the law not to sell lead mines

or land containing mineral, the provision proves nugatory, and indeed there would be or should not be any land sold in the counties of Washington, of La Mine, &c. Mineral is found on the best farming land and where it is some times the least expected. I therefore think that all the public lands ought to be offered for sale without reserve, with this difference, perhaps, that where the land is known to contain lead, mineral or very valuable salt licks, the minimum price ought to be higher than for common land and that one or two sections of land ought to be annexed to each salt lick, in order to secure fuel.

In turning to the special report of the commissioners concerning lead mines, salt springs, you will perceive that none of the claims for that description of land were confirmed, not because they were all destitute of legal merits, but because the commissioners had only power to report opinions on the same, and as Congress has not as yet acted upon these claims, the holders thereof are kept in suspense and uncertainty ever since, which prevents enterprise, checks industry and population. A great many of these claims are for small quantities of land, they are held by actual settlers who had  
(Manuscript Destroyed.)

Mr. Benton was the counsel and agent of the claimants for large claims of land before he was elected to the Senate. He chiefly owes his seat there to their influence. He is entirely devoted to them. There is a judgment entered against him in favor of the U. S. in the District Court for the State of Missouri for a balance of money unaccounted by him whilst he was an officer in the army. He owed twelve or thirteen thousand dollars to the Bank of Missouri. This debt has been since transferred to the U. S. There were at the last term of

the court for the county of St. Louis several executions issued against him. His property was advertised for sale, but all of it is incumbered with mortgages for sums equal to the value thereof. He has not been in this state since the last session of Congress. All his hopes rest upon the confirmation of the large claims. If he does not succeed he is irretrievably lost. You may imagine that he will not be idle during this session.

I propose to present you in the course of a week or two a minute view of the French and Spanish land claims in order that you may be the better able to inform your friends in congress and put them on their guard. I have done so myself for these many years. Mr. B. is not without guessing that I am endeavoring to baffle his schemes. I am fully determined to go the whole length and to be consistent to the end of my days as a public and private man. The republic or the public thing requires a corresponding public spirit from every member of the community. Indeed, a citizen has, strictly speaking, a public character. *Omnis homo miles omnis homo civilis.* Not doubting that this is a practical axiom with you, I feel the greatest encouragement in giving you any information that I may possess or obtain. I am,

With respect, &c.,

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December 26, 1823.

(Substance.)

Geo. Graham,

Advising him that Benton has reported in Senate, 19th February, 1823, a bill on the petition or memorial of the Legislature of Missouri. The memorial pray for definitive decision of French and Spanish land claims



by competent tribunals. The bill provides for reference of claims to recorder of land titles for opinions, etc. This bill has passed the Senate and is now before the house of representatives. The same latter states that a bill originated in and passed the senate during the session before last, providing for the reference of same claims to a court of the U. S. for decision. A similar bill was reported in the house of representatives same session. Both these bills are on the files of the house of representatives.

Mr. Scott has taken good care not to call them up. No doubt but Mr. Scott, who is a land claimant, act in concert with Mr. Benton who was agent and counsel of land claimants before he had a seat in the Senate, and who owes his seat chiefly to the intrigues of the land claimants.

Both of them dread nothing more than a reference to the judiciary, and they will use every possible endeavor to procure the final passage of the bill for the reference to the recorder where land claimants may proceed *ex parte*. Should they succeed the proceedings of the former board which was composed of three commissioners will be revised, enlarged by the recorder alone, or rather, the same thing will be done over again by a single officer, and with less safety. Messrs. Lowndes and others well versed with the subject were of the opinion that the claims against which the commissioners had reported should be referred to a court of law. This opinion was prevailing when two bills were reported in the respective houses adopting that principle. The same reason exists as did then. The memorial of the legislature demands it in concurrence with the interest of the U. S.

You have it in your power to advise and alarm your friends in the house of representatives and make them aware of the dangerous tendency of the bill referring the claims to the recorder.

With respect,

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January 21st, 1824.

Geo. Graham,

Sir:—Permit me to introduce to you Col. Justus Post of Missouri. Mr. Post is settled since seven or eight years near St. Louis. I have the pleasure since nearly that time to be acquainted with him. He has been employed last fall as an engineer under the authority of the state of Illinois to ascertain the practicability of making a canal from Lake Michigan to the Mississippi by the Illinois River, &c. Of course he is able to give very interesting and minute information relative to this important subject. As from recent transactions it is considered here as probable that the office of surveyor of the U. S. for Illinois, Missouri and Arkansas will become vacant perhaps before the adjournment of Congress, I have taken the liberty to recommend Mr. Post to the Secy. of the Treasury as a person perfectly qualified to fill that office. I beg leave to request your support in his favor if you have not taken any engagement to recommend any other person.

Respectfully yours, etc.,

The foregoing delivered to Col. Post.

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August 4, 1824.

Geo. Graham,

Sir:—Having learned that Mr. Fred Bates has resigned or is about resigning the office of Recorder of Land Titles for the state of Missouri, permit me to

recommend to your attention Theodore Hunt of the county of St. Louis, and solicit your support in his favor for that office. I believe him fully qualified to discharge the duties thereof.

The wife of Mr. Hunt is my daughter. He is, at this time, out of business, and I am very anxious of seeing him doing something.

I am, &c.,

J. B. C. L.

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August 4, 1824.

Wm. H. Crawford,

(Same tenor as the preceding.)

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August 4, 1824.

James Monroe,

(Same tenor with this addition.)

This extreme anxiety will, I hope, excuse me with you for this direct application. I assure you that it never shall be repeated on any other occasion.

Respectfully, &c.,

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Wm. Lucas,

(Letter to, by Col. Farris, Newport, about 12th November.)

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St. Louis, December 7th, 1824.

Geo. Graham,

Sir:—Having been requested by the attorney of the U. S. for the district of Missouri, and also by the judge of the same district to take part in the arguments on the 1st case brought before that court under the act of Congress providing for the trial of the Spanish and

French land claims within the bounds of the state of Missouri; as these gentlemen expected, I presume, that from the opportunities I have had as one of the former land commissioners to understand the principles governing those claims I might throw some light upon a subject as yet but little known and unexplored by the Bar and the Bench.

I have consented to undertake that arduous task in consequence of which I have argued the case at full length upon a demurrer.

The counsel of the claimants have read in court out of a manuscript, what they term to be the 81st art. of an ordinance of the Intendants of New Spain, and some other extracts from other art. of the same ordinance which Mr. T. H. Benton, one of the counsel of the land claimants has stated to have been translated from a Spanish book found in the office of the Secy. of State. If the book could not be obtained, at least the ordinance ought not to have been copied off partially. There is every reason to suspect that a cutting has taken place to suit only the purposes of the land claimants. In my opinion the interest of the U. S. and of individuals who have adverse claims urgently requires that the Spanish book mentioned by Mr. Benton should be transmitted to the attorney of the U. S. for Missouri or to myself, and if it is not practicable, at any rate the whole ordinance which contains that 81st act ought to be transmitted both in Spanish and translated, duly certified, together with a statement of the title of the book from which it is taken.

It is also not less necessary to procure the 4th book of the collection of the laws of Spain, and if not a certified copy of the law 15, title 12th, contained in the same book. The regulations of Count O'Reilly of the

18 February, 1770 relative to the distribution of land in Louisiana; the order of the king of Spain of the 24th August, 1770, whereby the power of granting land in the province of Louisiana was placed in the military and civil government, are likewise wanted.

I hope sir, that from your well known zeal for the public service, and from the situation which you occupy, no endeavors will be wanting on your part to procure those documents, or such of them as can be obtained. I need not mention to you that the land claimants are not lacking of alertness and activity. Remissness might be fatal to the best interests of the U. S. There is not less than 1500000 arpens of the best land of Missouri depending on the proper and improper management of the cases which will be tried before the district court.

I beg leave to remark that as executor of the last will of Charles Lucas, deceased, who was my son, I have an interest in several concessions issued by the last Spanish lieutenant governor of St. Louis for about 2500 arpens of land which he held by purchase. Notwithstanding this I have taken my stand against the concessions of the same kind, whilst I have no interest whatever adverse to any of the Spanish claims, but a New Madrid location for 320 acres of land which I have purchased at the sheriff's sale. This must necessarily convince you that undeviatingly I attend to the interests of the U. S. at any sacrifice of peace, popularity and wealth. I am,

Respectfully,

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St. Louis, Feby. 15th, 1825.

Geo. Graham,

Dear Sir:—Your favor of the 9th ult. was received a week since. You inform me that you had not in your

power to see Mr. Benton until today (to-wit, 9th) to obtain from him the title of the book from which he took the extract alluded to. I certainly should prefer to have the opportunity of perusing the whole book. But, nevertheless the purpose will be answered if a duly certified copy or transcript of the ordinance of the intendants of New Spain and of the regulations of the year 1754. I presume that this can be accomplished without taking the book in question from the office of the Secy. of State. The object is well worth while the trouble or expense of transcribing that ordinance in extenso. There is nothing less than 150000 acres of choice land in Missouri depending upon the decision of these claims. Permit me to suggest to you that at the same time it may still be useful to obtain through Mr. Livingston any book concerning the domains of Spain and the manner of disposing thereof. But the latter means of information by or from New Orleans is too precarious and dilatory to be entirely depended upon. It is perhaps necessary to inform you that Mr. Benton certainly was, and I believe is as yet the counsel of several land claimants, that he has received the zealous support of the land claimants generally at his election to the Senate. That to my certain knowledge, on all questions before the Senate relating to these claims, he has acted and spoken in the spirit of a private agent and not of a senator. It is he who has procured an extract of the Spanish laws before alluded to.

I have no kind of confidence in his extracts. There is in my opinion no safety but in having a transcript of the whole law. Lest you should suspect me to be unjust, or at least to entertain groundless apprehensions with respect to Mr. B. permit me to lay before you a few specimens of his want of common honesty. There

is at this day or if not there was six months ago an unsatisfied judgment against him in the District Court of the U. S. for a balance of public money placed in his hands as far back as during last war whilst he held a commission in the army. He was one of the directors of the Bank of Missouri at the time he stopped payment. You know that the U. S. had a deposit in that bank \$150000. Well sir, Mr. B., contrary and in violation of the charter of that bank, which provides that no more than \$3000 shall be loaned to any director, has collusively with the other directors obtained a loan of not less than \$8000 and in virtue of the transfer made by the bank to the U. S. of its right and credits is actually indebted to the U. S. for that sum. A merchant of Philadelphia named Counsier transmitted him some years ago, a note or two for collection for about \$2000. After a reasonable time had elapsed the merchant wrote him respectively and never had any answer. At last an agent of his came to St. Louis about two years ago. Mr. B. was not there. The agent found that a judgment had been obtained by Mr. B. but there was no satisfaction entered. He applied to the person against whom the judgment had been obtained who showed him by the receipt of Mr. B. that he had satisfied the judgment long before this. Seeing the agent and attorney to direct a suit against Mr. B. On the return of the latter to St. Louis, which was some time last summer, instead of discharging this sacred obligation, he confessed judgment in the clerk's office for the sum due.

The real property which he owns in St. Louis and any where else in this state is mortgaged and bound by judgments for more than it is worth. There would be no end in relating to you what I know of the particu-

lar circumstances which characterize Mr. B. I hope I have said enough to justify my suspicions. I am,

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May 3d, 1825.

Geo. Graham, Commissioner.

Sir:—The two transcripts of certain Spanish laws and ordinances in Spanish and English which you have directed to me have been received. The event has fully justified my suspicions.

The meagre extract which has been exhibited in court proves to be nothing else but a selection made by Mr. Benton, of such parts of an ordinance of the king of Spain as might answer but the purposes of the land claimants in Missouri. The course he has adopted is unworthy of a counsellor that would value candour and reputation. What shall we say then of a senator so far forgetting himself? Although the counsel of a claimant in court for 10000 arpens of land, declared that the extract had been made under the direction of Mr. Benton and contained every provision relating to the subject, nevertheless, the transcript which I have received from you proves beyond all doubt that Benton is guilty at least of the suppression of important truth. He had the precaution, for example, to insert in his extract but a small part of a preamble of a law in order to avoid mentioning a reference made in the same to two royal ordinances, the one published by Philip the 5th, and the other by Ferdinand the 6th, of the 4th of July, 1718, and of the 3d of October, 1749. Most probably he had a sight of them, and there is every reason to suppose that they don't answer his end, therefore we must be kept ignorant of the existence of these laws. He has likewise omitted to insert in his extract several articles of the law which he has extracted from, al-



though they have a direct bearing on the case before the court, and he has also omitted entirely the 22 laws contained in one of the transcripts which I have received from you, stiled, "Of the Sale, Composition and Grant of Lands, Ground and Waters. Liber IV. Title 12." These are fatal to the generality of the land claims in Missouri. The impropriety of thus cutting and selecting from a law by a party to a suit is too manifest to need a comment. Nothing less than the desperateness of Mr. Benton as agent and partner, could induce him to attempt to impose so grossly upon the court and his country. If the laws of Philip and Ferdinand before alluded to could be conveniently procured, I should like to have a copy of them, although I am persuaded that we are pretty safe without them.

Respectfully,

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St. Louis, Aug. 21st, 1825.

George Graham,

Sir:—Having an interest in the enclosed patent certificate for one moiety of the land for which it is issued, I request you to issue a patent upon the same as soon as convenient.

I hope you will have the goodness to direct it to me.

This is the only claim which I have of this kind. I bought it at the sheriff's sale. I am,

Respectfully, &c.,

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May 23, 1827.

Geo. Graham,

Sir:—Believing that my letter to you of Aug. 21st, 1825, enclosing a patent certificate has come safe to your hand, I expected long since to receive a patent in

consequence of the same. I have heard, however, that a caveat or notice against issuing such a patent has been entered in your office by the heirs of James Makay, deceased, as they claim the land to which the said certificate relates in pursuance of a concession alleged to have been issued under the Spanish government. It may be observed that no notice was filed at any time of that claim in the office of recorder of land titles under the various acts of Congress providing for the same. That no survey appears of record nor ever was made in pursuance of that concession, and if the location of Baptiste La Fleur in whose name a patent certificate has issued under the authority of an act of Congress for the relief of the inhabitants of the late county of New Madrid had not been made the same land would have been sold or at least offered for sale along with the public lands situate in the same parts of the state, and at all events, should the representatives of James Makay, the original grantee, be able to establish the legality of their claims, they would be entitled under the act enabling the claimants to land in pursuance of concession or grant derived from the French or Spanish governments to try the validity of their titles, &c., an equivalent out of the unappropriated lands of the U. S. if the land which they claimed has been previously disposed of, so the caveat which they have entered considering this and also their laches and neglect is at best vexatious and oppressive. But, sir, independent of these considerations, permit me to submit that the powers and duties which the act for the relief of the inhabitants of the late county of New Madrid, &c., confer or imposes upon the commissioner of the general land office are merely ministerial. That under the 3d sect. of the said act "a certificate issued by the recorder

of land titles in favor of a party being transmitted to the commissioner of the general land office shall entitle the party to a patent to be issued in the like manner as provided by law for other public lands."

I see nothing that can qualify the obligation the commissioner is under to issue the patent demanded but these: "as the same section makes it the duty of the recorder of land titles to transmit a report of the claims allowed and locations made under this act to the commissioner of the general land office." It is self-evident that if such a report has not been made of the proceedings of the recorder, or if made, such proceedings present on their face any substantial departure or omission of what the law prescribes the recorder to do or even any material discrepancy between these proceedings and the patent certificate, then, and only then, Baptist Latleur or his representatives are not entitled to a patent. If there is such a defect I hope you will be so good as to let me know it with as little delay as possible. If there is not, I renew my application to you for a patent to which the laws "entitles" me. Could a caveat predicated only on the suggestion of an adverse claim prevent the issuing of a patent, there might be a prevention ad finitum for nothing is more easy than to suggest again and again a clash or interference.

It is reported here that you are sustained in refusing patents in such cases by the opinion of the attorney general. Sir, permit me to remark that provided the recorder of land titles has transmitted to your office a report of the claims allowed and locations made under this act, and provided also the patent certificate in favor of Baptiste Latleur present no discrepancy or variance from the same report, the patent certificate is the entire and complete evidence which entitles a party

to a patent in either case the ministerial course of the commissioner is so plainly marked out that it is unaccountable to me that the attorney general should have been consulted. He might possibly have suggested a better project of a law if he had been consulted before this one was passed, but there is no reason or argument however strong that can do away or suspend the provision of a law and particularly when it partakes with the character of contract and entitles a party to a patent.

However, should you persevere in refusing a patent, I then request you to send me back the patent certificate without delay as I shall be under the necessity to make an exhibit of it at a trial which is to take place at the next term of the District Court of the U. S. commencing at St. Louis on the 3rd Monday of June next.

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St. Louis, June 25, 1827.

Geo. Graham,

Sir:—By the enclosed certificate it will appear to you that the only obstacle which I suppose existed in your mind to the issuing of a patent upon a patent certificate of the recorder of land titles, &c., in favor of Baptist Lefleur is removed there is no more case subjudice. If you have yet the certificate in your possession, I hope you will be so good as to have the patent issued as soon as you conveniently can. If you have transmitted it to me as I eventually requested you to do it by my letter of the 23d ulto. I shall send it to you back again as soon as received.

Mangre all the airs of confidence, T. H. Benton and other agents of the land claimants in Missouri had put on, they have shrunk when they have been brought

to a crisis; they have preferred dismissing all their suits, 181 in number, pending before the court sitting at St. Louis, than to come to a trial. This flight from a court of law speaks a volume against those claims. It justifies the decisions and opinions which I have formerly given on those claims as land commissioner, and the arguments which I have urged two or three years ago before the District Court sitting at St. Louis, when the judge and the district attorney requested me to speak upon a certain case embracing general principles. It operates as a virtual acknowledgment that I have been cruelly slandered and persecuted during 20 years for having discharged public duties with correctness and fidelity.

Respectfully, &c.,

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St. Louis, Jany. 24, 1828.

J. R. Hayden,

Sir:—I have received your favors of the 8th December, 1827, with the enclosure. I have delayed until now sending you the papers here enclosed, expecting a private opportunity. Lest, however, you should be prevented to institute your suit before the next term of court, I have at last determined to forward them by mail, to-wit: Deed of Quit Claim of James Tanner, dated 1826, for 500 arpens originally owned by Thos. Duff Senior which recites and confirm the original deed from the same to C. Lucas.

Certificate and plat of survey, patent certificate, certificate of recorder of land titles, vouching that a certificate of location has issued from his office.

I should have insisted with the Genl. Surveyor for a copy of the certificate of location which is lodged in his

office, was it not that in my opinion the patent certificate rises a legal presumption that everything which the law prescribes has been complied with. Be pleased to let me know as soon as possible the receipt of the letter and of the muniments it contains.

Yours, &c.,

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Jany. 4th, 1822.

David Holmes,

Sir:—Although I had not the pleasure of seeing you since we were in Congress together, nevertheless I have not failed of frequent opportunities to hear of you since. Long before now I intended to go to New Orleans. If I had realized that project I certainly should not have passed without giving you a call. The idea that I have formed of your feelings and disposition induces me now to call your attention upon a subject of no importance but to me.

It has been reported at Washington during the last session of Congress that I had written to several members of Congress. (The residue about the same as to W. Lowrie, December 27, 1821. About speaking to President omitted.)

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St. Louis, Augt. 29th, 1818.

Theo. Hunt,

Sir:—I saw a day or two ago Mr. Terrell of New Madrid. I showed him the bundle of papers on the wrapper of which is written "Theo. Hunt and Charles Lucas Deeds". He appeared to be very conversant with the subject. I asked him if he would take the agency of these claims in case you would give your consent. He told me he had no objection. Believing that from local knowledge previous communications with the late

Charles Lucas and other opportunities, he is as well qualified as anybody else, and perhaps better, to transact this business, I propose to have him appointed agent in the above mentioned concerns. If you concur with me on this, you will be pleased to come to St. Louis as soon as possible to execute a power of Attoreny. If you have any objection to call at my house you may designate any place where we can meet with.

Yours, &c.,

J. B. C. L.

N. B.—Mr. Terrell informs me that he will remain here about two weeks from this time.

Capt. Theo. Hunt.

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St. Louis, Sept. 18th, 1818.

Theodore Hunt,

Sir:—Your letter of the 31st of Augt. has been received. Owing to a pressure of business I have been thus dilatory in writing again. For the purpose of being, if possible, more explicit than I have been in my letter of the 29th of Augt. and also to do away any misconception and obtain from you that direct answer which I expected by your letter, I beg leave to state to you, lest you should have forgotten, that the papers to which I allude in my first letter and I showed to Mr. Terrell contain a deed of sale by indenture of Joshua Humphrey's and Mary his wife to Theodore Hunt of St. Louis, dated 1st February, 1816, of sundry tracts or parcels of land, and also number of other deeds of sale made or executed to Chas. Lucas of divers tracts of land or claims to land situate in the county of New Madrid together with other titles and documents relating to the same, believing then and believing likewise at present

that you and Charles had an interest common in all those claims, I thus proposed Mr. Terrell to be appointed agent in those concerns. I am still in the same intention. Whether since the death of C. Lucas you have made in the same county new purchase or not is not for me to enquire. If you have it is quite superfluous to inform me that you have, or are going to appoint Mr. Terrell or any other person as your attorney, for it matters not to me how you conduct your business, when unconnected with the estate of the late Chas. Lucas or any interest of the said estate. In order to understand each other better hereafter I beg leave to put two or three questions to you.

1st. Was there a partnership or common concern existing at any time between you and Charles Lucas in the purchase made by you or him of land situate in the county of New Madrid?

2d. Had Charles Lucas at any time an interest in the purchase or purchases of land or claims to land which you made of Joshua Humphrey's and Mary his wife?

4th. Had Charles Lucas at the time of his decease an interest in the purchase made by you of Humphrey's and for what part?

I hope that you will be pleased to convey your written answer to these questions by a sure opportunity within a short time.

This will be handed to you by Adrian. You may send me your answer by the same opportunity.

I think it more advantageous for the estate to rise funds from the sales of the New Madrid land or claims that are held in partnership, than from any other source.

I still propose to give to Mr. Terrell the agency as spoken of in my letter of the 29th whether the land or



claims to land be held in your name or that of Charles provided they be such as the estate has an interest in.

I have not found the certificate which Mr. Richardson wishes to purchase. I think it better not to conclude with Mr. Douglass. I am informed that a gentleman with his family now at Louisville is wishing to have a farm near St. Louis. Probably this may suit him.

Your s<sup>v</sup>t,

J. B. C. L.

P. S.—You may have the bundle papers on the wrapper of which is written deeds of Theodore Hunt and Charles Lucas on giving me a receipt for the same. Your answer to this, however, is expected before the delivery.

Third question omitted in the copy and inserted here from the repetition of questions in Mr. T. Hunt's answer of the 28th of September, 1818.

3d question. Did Charles Lucas pay or not an equal part of the purchase money mentioned in the deed above mentioned of Joshua Humphrey's and Mary his wife?

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January 10th, 1820.

Theo. Hunt,

After having presented to you, thro the hand of Wm. Lucas, for your signature and seal, the necessary instrument of writing, to convey to the heirs and representatives of C. Lucas, deceased, one half of the right you have to the tract of land, situate near Cote Brilliant which you hold as representative of Babtiste Ladleuer. After also having urged you repeatedly in person to do that act of justice to the estate, which you owe both as an individual and as an executor of the estate of C. Lucas deceased. I expected that if the form of the writing presented to you did not perfectly come to your mind, at any rate you would have another drawn in your

own way that would substantially attain the object, but to my astonishment you have not offered any substitute, altho a long time has elapsed since. In order to obviate all possible objections, and save you any trouble, I have drawn a new instrument of writing, providing amply for the security of your right in every possible emergency, which will be handed you by W. Lucas.

I request you, sir, to execute the deed demanded, in the manner and form provided in that writing, or in any other way that will answer the same purpose. The long delays I have met with on the present occasion, amply justifies me in requiring of you that the deed in question be executed and delivered to me not later than Wednesday next, or else any further delay will be construed by me as an absolute refusal.

(Sig.) JNO. B. C. LUCAS.

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St. Louis, July 5, 1821.

Theo. Hunt,

Sir:—Contrary to my expectation on of the deputies of Mr. Brown, Sheriff, presented me a few days ago past, an execution in favor of Isaac Patterson, for one hundred dollars, principal, and nineteen dollars of cost, in pursuance of a judgment obtained against me at the last April term of the Circuit Court for the county of St. Louis.

Remembering but imperfectly the transaction which you and myself had with Patterson, I have looked to the papers which gave occasion to it. I have found on the back of a certain bond under the hand and seal of C. Lucas, the following:

“Received this 12th day of November, 1819, \$400 in full of all considerations for the within bond, one-half

being paid by John B. C. Lucas and Theodore Hunt as executors of the estate of the late Charles Lucas, and the other half paid by Theodore Hunt as witness my hand and seal the day and date above written.

(Signed) ISAAC PATTERSON.

Witness

W. M. LUCAS."

N. B.—This receipt is in your hand writing. I recollect also that you advised the propriety of taking such a course with respect to Patterson. You know also that the money due to Patterson by the estate of C. Lucas was not actually paid as mentioned in the receipt. Two notes were drawn by yourself each for one hundred dollars, in favor of Isaac Patterson, which were signed and sealed by both of us. One of those notes dated 12th of November, 1819, was presented to me on the 26th of February, 1820, I paid it then. Nothing is more clear than that each of us assumed or rather intended to assume to pay one moiety of these \$200. For that purpose two notes were drawn and if I signed them both it was I presume for the satisfaction of Mr. Patterson and could not be for any other purpose.

Beside these it appears from the tenor of the above receipt that one-half of the \$400 has been paid by you and myself as executors which would not be truly the case if I had to satisfy the judgment for which an execution is now issued.

I request you, sir, to satisfy it without delay, or let me know that you will not do it, that I may prepare in order to avoid having my property executed and sold for your debts.

I beg leave also to inform you that a summons has been served on the 27th ulto. upon me to appear at the next term of the circuit court for the county of St. Louis

to answer the demand of a certain Thomas Bray, assignee of Maximus Gilbert, for the payment of three promissory notes executed at Washington on the 1st day of March, 1817, by Rufus Easton and C. Lucas in favor of Gilbert, the 1st being for \$735, the 2d for \$775 and the 3d for \$21. I wish to advise with you about what may be done about this suit.

I am your svt.,

J. B. C. L.

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St. Louis, Jany. 13, 1822.

Theodore Hunt,

Sir:—Having been served with a notice of an order of the court of St. Louis as one of the executors of the last will and testament of C. Lucas, deceased, to settle at the next term of the same, which commences on the 3d Monday of this month, the accounts of the said administration, so far as it goes, having also examined the inventory signed by you and myself which is filed in the clerk's office, this inventory being partially made, owing, I presume, to want of due time before my journey to Washington in December, 1817, I think it necessary to file before the setting of the court, an additional inventory, full and complete. I therefore beg leave to name to you Friday next to have the same signed and filed. I have at home the memorandum or list of all the items. If you have any objection to meet at my house, any other place will suit me that you will be pleased to designate.

I expect from you the favor of an answer as soon as convenient, sir. I am,

Yours,

J. B. C. L.

St. Louis, April 7, 1822.

Theodore Hunt,

Capt. Jos. C. Brown has lately informed me that owing to the interference of a pre-emption right claimed by Mathew Kerr with the New Madrid location for 640 acres belonging to the estate of the late C. Lucas adjoining the land claimed under Swain's settlement. You are of opinion that the survey be altered so as to add to the Madrid location out of the land claimed under Swain's the same quantity which interferes with Kerr's claim.

I beg leave to propose to you two other modes of disposing of the location, the first is to remove the location entirely, in which case I am perfectly satisfied from the information I have obtained during my late journey up the Missouri and on Salt River. There is an abundance of the very best land well timbered and watered relinquished under the law granting relief to purchasers of public lands within seven or eight miles from Franklin and up the Mississippi above Salt River, of which in my opinion a section is worth three of such land as about Swain's place. The country is now perfectly well explored and a most valuable location can be made with certainty and ease, if this proposition does not meet with your approbation.

I next propose to locate the Madrid claim upon the whole section 33, and the residue on the fractional section 24, which is the strip marked (1) in the draft here enclosed, so that at the time of the sale there remains but nine acres to be bought of the U. S. I should prefer much my first proposal.

Yours, &c.,

June 6th, 1823.

Theodore Hunt,

(Requesting him to come tomorrow to sign another answer to Rufus Easton. Bill of complaint intended to contain in addition to the list of land an omitted item of sundry pieces of Joiner Work belonging to the estate. Apprized to \$82.50. This letter sent same day by express.

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St. Louis, Jany. 4th, 1824.

(Letter to the same as preceding to John Randolph, with this addition after the words "mere nominal check", third line last page.

Samuel D. Ingham,

Even if the recorder should recommend one-half of their claims and Congress should sanction it, they would still contend that they are not concluded for the balance and for that remaining part, Congress would stand in the same situation as it is now.

Would it not be more congenial with the spirit of legislation through representatives that Congress confirm, I should say grant, at once all the claims and take to themselves the whole responsibility to their constituents, than to throw it upon an obscure individual or at least divide it with him.

Mr. Scott will not fail to make every exertion during the present session to procure the passage of the bill for the reference to the recorder. To my certain knowledge Mr. Scott is a Spanish land claimant. He ought not to vote on such a question on calling for the reading of the memorial on which this bill ought to be founded and is nominally so.

The discrepancy will fully justify an amendment which ought to go to a reference to the judiciary with all the clauses and conditions specified in the bill containing that principle which originated in the Senate at the session before the last.

Yours,

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St. Louis, Jany. 4th, 1824.

Thomas Newton.

(Letter to, substance about same as the preceding to John Randolph and Samuel D. Ingham.)

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Samuel D. Ingham,

Sir:—Permit me to introduce you Mr. Wm. Russel of St. Louis. I am acquainted with him this great while and he was an intimate friend of my late son C. Lucas. I am confident that if the latter was alive, he would have recommended him to your attention and politeness during his short stay at Washington.

Mr. Russel is a minute and accurate observer. None had better opportunities than him to exercise that faculty in Missouri and Arkansas, for, being owner of large quantities of land in both places, he had a particular interest to explore and ascertain the various qualities of soil, mineral, their qualities, proportion, situation and other natural advantages.

As our infant state must, at least, for a while, be frequently in need of the fostering hand of Congress, you or any other of its members cannot but receive with pleasure the information which Mr. Russel is fully competent to impart concerning our localities.

Respectfully, etc.,

St. Louis, May 3d, 1822.

David Johnson, Recorder,

(Letter to, in answer of his of 28 Jany., 1822, requesting to pay tax for patent. Observed that he had omitted to mention date of patent. Informing that I have put his business in charge of Amos Wheeler, Land Agent. Remember me to Messrs. Lacock & Moore and other friends.

Respectfully, &c.,)

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St. Louis, Jany. 4th, 1822.

Richard M. Johnston,

Sir:—Not having the advantage of a particular acquaintance with you, I should not presume to call your attention upon a subject of very little importance as it concerns me solely, if the sensibility of your heart was not perfectly known to me.

It has been reported at Washington during the last session of Congress. (Much same as to letter to Walter Lowrie of 27th of December, 1821.)

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St. Louis, Nov. 16, 1821.

Ruffus King,

Sir:—Having made to you in my letter of the year before last a short exposition of the merit of the large and numerous claims to land in the then territory of Missouri which are predicated on Spanish concessions, real or supposed, and have been reported against by the commissioners appointed for quieting and adjusting claims to land. &c., I shall at this time merely state to you that I am persuaded that greater efforts than ever



are going to be made to obtain the passage of some act in favor of those claims. Every plausible tale will be told, every possible art will be used to insnare the Congress into some unguarded act which will operate in a manner unforeseen. The aberrations from the fundamental principles governing the rights of the U. S. to the former Spanish domains which have taken place in the act of the 14th of April, 1814 entitled "An Act for the Final Adjustment of Claims to Land, &c., will be urged as a sound provision and precedent which ought to be extended to all the claims remaining unconfirmed. No doubt but T. H. Benton will take the lead on that subject in the Senate. His circumstances are desperate. He is one of those directors who, sans ceremonie, divided among themselves all the capital of the Bank of Missouri, and after that stopped payment, having embezzled the deposits of the U. S. and of individuals. He is the one, who since the failure of the bank has bought Missouri bank notes at 50 per cent of discount, and thus unblushingly profits by the public distress and calamity consequent to his own wrong. He was elected in the Senate through the influence of the Spanish land claimants, by one vote of majority. He was before his election their counsel and agent.

I am credibly informed that part of his fees for his service are contingent to the confirmation of Spanish land claims and in the quantities that may be confirmed. The Spanish land claimants having singled me as the most particular object of their resentment in consequence of having been generally less favorable to their claims than the other commissioners, and probably also because being mostly of French origin, and actually calling themselves French men they have been more disappointed with me. This has given an opportunity

to Mr. Benton and other American citizens interested in the land or otherwise jealous of my political standing, to widen the breach as much as possible between me and the ancient inhabitants.

For these three or four years I have been represented as having made to several members of Congress, secret communications against the Spanish land claims, and more particularly I have been charged to have encouraged several members from the non slave holding states by false representations and other means to insert in the bill for authorizing Missouri to become a state, a clause inhibiting slavery, like to oppose the admission of the state on the score of the clause in the state constitution concerning free persons of color saying or giving to understand that if they held out against admission, a clause inhibiting slavery would at last be inserted in the constitution as the restrictionists or emancipators were daily gaining ground.

It appears that Mr. Benton has secured some persons in the post office at St. Louis, in order to know with whom I corresponded at Washington, and who wrote to me from Washington, for I had no sooner written to you and received your answer, than I was denounced in his paper, the St. Louis Enquirer, as keeping an intercourse with Rufus King, &c., &c., and reproached for doing this in the same manner as if I had committed treason.

I freely confess that I have written to several other members of Congress, in order to alarm them and better guard them against the intrigue and insidiousness of the Spanish land claimants and their agents, but I never have written a word to any person at Washington directly or indirectly for or against what has been termed the Missouri questions.

I believe I owe also to Mr. Benton the circulation of the last report against me at Washington. At any rate I am sure that he has circulated it at his return from Washington. In doing so he expected to draw at home the public odium on me and destroy or disturb at Washington the good understanding that exists between me and several members from the slave holding states with whom he may suspect that I correspond on the subject of Spanish land claims.

You sir, and several other members from the north have been two years ago placed on the list of proscription in the St. Louis Enquirer by its editor. I have on file the number that contains it. On making enquiry of him it will be found that in North Carolina where is born, in Tennessee where he did live for a long time, all is of a piece including his directorship. Permit me to suggest that the safe and constitutional way is to enable the Spanish land claimants to present their claims within a given time before a judicial tribunal for trial. This is the only place for fair investigation, where tales and ex parte evidence will find no admission. I am,

Respectfully, &c.,

J. B. C. L.

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St. Louis, Nov. 14, 1823.

Rufus King,

Sir:—Your favor of the 28th of Feby. last, together with the bill reported by Mr. Benton from the committee on public lands, to which was referred the memorial of the legislature of Missouri &c., was duly received. I was extremely surprised that Mr. Benton should presume to report a bill entirely opposed to the views and wishes expressed by the memorial, for the

country being greatly injured by the large tracts of land claimed under the color of Spanish concessions which remain a perfect wilderness and intersect the settlements in various parts of the state, the people of this state have the greatest interest that these claims be promptly decided, whilst this bill takes a circuitous way to avoid decisions and refers the subject for a third time for the report of opinions only by the recorder, which, when done, will bring back the subject where it now is. I am still more surprised that the Senate would pass such a bill as it departs entirely from the principle they had sanctioned at the preceding session in the bill which they had passed on the same subject, which provides for the reference of all the Spanish land claims to a court of justice for final adjudication. If this last bill had not been clogged with amendments in the House of Representatives it would have certainly passed through that house, and the great majority of the inhabitants of Missouri would have been fully satisfied of having before them the prospect of a nearly approaching decision of those claims.

You will perhaps be at a loss to account why Mr. B. has shown by the bill last reported so little regard to the wishes of the people of Missouri as expressed by the memorial of the legislature. Let me repeat to you that Mr. B. owes in a great degree his seat in the Senate to the influence and intrigue of the large land claimants, that he was their agent before he was elected; that he has an eventual interest in almost all the large claims; that he knows perfectly that those claims cannot bear the test of judicial investigation and that the first bill which he reported on that subject for referring those claims to a court of justice was not agreeable to his views; that he did do it out of necessity to make sem-

blance at home of doing something, and have the appearance with the multitude in the state to be an efficient member in the Senate, being at the same time very confident that his friend, Mr. Scott, would hang the bill in the House of Representatives. Mr. Scott had a similar bill reported in the House of Representatives containing also the principle of reference to a court of law, which he took care never to call up. He was governed by the same motives as Mr. B., whose echo he is. All these were false attacks, mere ruses de guerre, but their real aim, their true attack, is the last bill, which avoids the judiciary and refers the subject to the recorder alone without even an agent to cross-examine the witness that may be brought forward by the claimants. Thus you must see that the interest of the many is at variance with that of the few, and that Mr. Benton attends only to interest of the latter. If Mr. B. would separate the small claims from the large ones, and report a bill for the first only, Congress might be disposed to exercise more freely its liberality towards it, but, sir, this is contrary to his policy. He has no share in those small claims and he makes use of them as a cork to keep afloat the large ones. It appearing evidently that Messrs. Scott and Benton could not avoid a reference of the land claims to the judiciary in the bills which they respectively reported at the session before the last. That this reference was the governing opinion in both houses; that it was the only means to bring those claims to a final decision; that the memorial of the legislature was in affirmance of that measure as it prayed for a prompt decision. We cannot resist the conclusion that the bill for referring the subject to the recorder for his opinion has passed through the Senate by inadvertence or surprise and con-

trary to the wishes of the legislature of Missouri. Let me add that a great majority of the members of the legislature of Missouri are poor persons who hold their lands by pre-emption. They of course, have feelings and interests quite at variance with those of Mr. B. Among other things they will not thank him particularly for that clause of the bill. Second, what claims in his opinion (the recorder) are now entitled to the indulgent consideration of the government of the U. S. Sir, I can assure you that there are many actual settlers on those large claims of land who did not know of the existence of those claims, much less of their extent, when they first made their settlements. They have fought and bled during the last war in defense of their homes and of the frontier of the state. They have gone through all the hardships and difficulties of opening farms in wilderness. Some of them have made very valuable improvements. They mostly have large families of children. Now, sir, if the land they are settled upon prove to be public land, they are entitled to a right of pre-emption and they are safe. If not their situation becomes desperate. Congress cannot be indulgent towards the Spanish land claimants, without being unjust, nay, cruel with respect to the actual settlers. Take also into consideration that the Spanish land claimants are to be indulgently dealt with for thousands of acres of land, for which they never have nor will pay a farthing in money or labor, whilst the actual settler claim of right one quarter section or two at the usual price fixed by law.

The bill is also very deficient in as much as the reference is made to the recorder alone. This is confiding too much in one man. Not less than two commissioners ought to be added. Congress has given away more

than 500,000 acres of land by confirming the opinions of the recorder of land titles for Missouri reported in pursuance of the act of the 14 of April, 1814. I think that congress has more than once pursued a ruinous economy.

You know better than me that the plurality of officers is congenial with republican jealousy and watchfulness; that it is more easy to deceive, bias or bribe one man than three, and that an agent may be of great use to cross-examine witnesses to meet the arguments of the land claimants; to inform and check the commissioners.

I hope you will do me the justice not to suspect that I suggest the creation of offices that I may have an opportunity to fill one of them. I was appointed last July one of the commissioners to examine the titles and claims to land in west Florida, and I declined it, and even now my opinion is clearly for referring the claims to the judiciary. Besides these I beg leave to refer you to Messrs. Edward and Cook from Illinois. They both reside within 20 miles from St. Louis. I hope they will be able to state to you that I have denied myself to use the fairest opportunity of becoming rich, and that I have made a sacrifice of my rest, peace and popularity in order to attend to the best interest of the U. S. I should not have entered into these long and perhaps tedious details, had I not been persuaded that you are devoted to the service of your country from higher motives than ostentation and vanity. I am,

With great respect, &c.,

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Wm. Lowndes,

Jany. 1st, 1820.

Sir:—In my letter to you of the 22nd of Nov., 1818, I informed you that James Mackay having in pursuance

of his petition presented to Congress at the session before the last, succeeded, &c., to have a law passed in his favor, &c. He is now petitioning again for another claim also unrecorded, &c. This second petition shows more forcibly than ever the danger that exists in departing from general principles and legislating for particular cases made up with *ex parte* testimony, for it is *ex parte* testimony every where whether in the petition or in the report of the recorder, and that unless Congress shuts up every avenue to such inroads, there will remain no point where it will be able to stop at. Various other arguments to show that those claims have neither equity nor law,—that the commandant who issued the last concession had no power and is still at hand, and it has been and is actually in his power to issue more concessions of the same kind, to-wit, unregistered concessions.

It is not my intention to suggest that he would do such things, but only that he could, and I leave you to conjecture from the past what he might be capable of. There is between him and Mr. Mackay a great appearance of friendship and confidential intercourse. I shall make no further remarks referring you to my letter of the 22d Nov., 1818 on the same subject.

Having been lately very sick and being yet much exhausted I have been under the necessity to have this letter written by one of my sons.

Yours respectfully,

J. B. C. L.

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January 21st, 1820.

Wm. Lowndes,

Sir:—I have seen by the last newspapers that John Scott delegate of the territory of Missouri has presented the petition of C. B. Penrose for a full compensation for



his services as former land commissioner. I had petitioned with Mr. Penrose last year for the same purpose. A bill was reported favorably and agreed in committee of the whole. The report of the committee of the whole was opposed in the house and the bill was generally postponed by a small majority.

Being disgusted with this refusal, and believing the most active opponents to the bill were the most active friends of the claimants and did partake with their spleen and hatred towards me, I declined to join in the petition of Mr. Penrose this year.

There is no doubt with me but that Mr. Scott and others will use their most earnest endeavors to obtain for Mr. Penrose the prayer of this petition as I stand no more in their way and am not to be benefited by their executions.

Altho I can reconcile with the refusal, however unjust, which I met with last year, I could not help considering the granting Mr. Penrose full compensation without extending the same provision to me as a most direct insult. For an instance of the relative merits of Mr. Penrose and myself as commissioners, I beg leave to refer you again to Duberque's claim in the 84th, 85th and 86th pages of the appendix to the Land Laws, and to the Secy. of the Treasury and the commissioner of the general land office.

If you become satisfied that I am as deserving as Mr. Penrose, I hope of your justice that you will move the insertion of my name in the bill if any is reported in favor of Mr. Penrose, and that my right and honor shall not be sacrificed to the resentment of the land claimants and their agents.

I direct you a number of the Missouri Gazette containing a copy of one of Mr. Scott's electioneering hand

bills, wherein to gain the better the confidence of the land claimants, he declares that he possesses several claims which are unconfirmed.

JNO. B. C. LUCAS.

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December 1st, 1820.

Wm. Lowndes,

(The same purport as letter to John Quincy Adams, dated December 1st, 1820.)

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St. Louis, November 26, 1821.

Wm. Lowndes,

(Letter to, intimating that land claimants having succeeded in having their friends and partners elected to senate and house of representatives, it may be expected that greater efforts than ever will be made this year to obtain the passage of law in favor of their claims, probably towards the end of the session when the house will be thin and members exhausted.

Report has circulated during last session of Congress that I had written to several members from the non slave holding states to encourage to refuse their assent to the admission of the state of Missouri into the union; that the restrictionists were gaining ground in the state and probably a clause inhibiting slavery would at last be introduced into the constitution.

I declare that I did not write at Washington nor elsewhere anything against or for the Missouri questions at any of their stages before Congress.

I believe that such a report has originated with some of the agents or friends of the Spanish land claimants in order to disturb or interrupt the confidence and good understanding that may exist between divers members

from the south and myself, as they suspect that I correspond with them on the subject of the land claims.

Although I don't wish to have it known that I have communicated to divers members my opinion on those claims, I should not, however, decline to appear at the bar of either house of Congress and state at large the reasons of my opinion against those claims and vindicate that opinion if necessary.

Respectfully yours,

J. B. C. L.

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St. Louis, February 1st, 1822.

Wm. Lowndes,

Sir:—A resolution having lately been brought before the House by Mr. Scott from Missouri for the purpose of having the French and Spanish claims to land in the state of Missouri referred to a tribunal, permit, &c., the same as in letter to Walter Lowrie, Jan'y. 25th, until "hereafter its liberality with discrimination"—if it exercises it at all and under a proper responsibility to the people of the United States, which has been heretofore evaded by giving away large tracts of land under the cover of confirmation of equitable rights. Considering, however, that the ancient inhabitants of the province of Louisiana have come under the protection of the United States by purchase and not by their own act, considering also that they used to receive from their former sovereigns moderate grants of land upon easy conditions and almost gratuitously; the most remote equity or justice which any of their claims may possess ought to be attended to with parental tenderness. The United States are bound by every tie not to leave them any reasonable cause to regret their former sovereigns, and the change of their former condition. I am,

Respectfully, &c.,

December 21, 1821.

Walter Lowrie,

Sir:—I have delayed much longer than I first intended in presenting to your view the many defects of the Spanish claims to land in the state of Missouri, which remain unconfirmed.

Permit me now to observe you, that by the 4th section of an act of Congress of the 3d of March, 1807, the board of commissioners for adjusting the claims to land, &c., of which I was one, was authorized to confirm all claims to land not exceeding the quantity contained in a league square, according to the laws and usages of the respective governments, French or Spanish, under which they had originated. That the commissioners ascertained that no Spanish law and usage allowed the granting of more than a league square to each individual, and therefore were competent to do full justice to the claimants, which I am perfectly satisfied they did. They have made a report to the Secretary of the Treasury of all the claims which they did not confirm, together with all the written and oral evidence in support of the same, likewise their opinion, to-wit: that it ought not to be confirmed. This report was made in the beginning of the year, 1812. The land claimants, after various attempts, succeeded in obtaining the passage of an act on the 12th of April, 1814, which recognized the concessions of warrants of survey, issued by the French or Spanish governments at any time before the 10th day of March, 1804, without any regard to the non-compliance with the condition precedent, to-wit: cultivation during three years, provided the land thus conceded and claimed had been duly surveyed or specially located, and each claim did not exceed the quantity contained in a league square, by

which means, the principle contained in the treaty of the 30th of April, 1803, between the French Republic and the U. S., to-wit: that the French Republic ceded to the U. S. forever and in full sovereignty, the said territory (Louisiana) with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic. In virtue of the above mentioned treaty, to-wit: the treaty of St. Ildefonso of the 1st of October, 1800, is given up.

This departure or aberration from a fundamental principle, will, no doubt, be urged as a precedent which ought to be extended to all claims remaining unconfirmed.

Mr. Scott, in the house of representatives is a land claimant himself,—of course will have a double motive not to be idle on this subject. Messrs. Barton and Benton will not be less active in the Senate. Benton, specially, will be strenuous and indefatigable.

Notwithstanding the great efforts and interest which the land claimants have made to procure his election, nevertheless he gained it by the majority of one only. He has been heretofore the counsel and agent of the land claimants. I am credibly informed that his fees are contingent to the confirmation of the Spanish land claims; moreover, his pecuniary circumstances are desperate. He is one of those directors of the Bank of Missouri, who, without ceremony, divided among themselves the capital of that bank, and then stopped payment, having embezzled the deposits of many individuals and particularly of the U. S. to the amount of more than \$150,000. He is the one, who since the failure of that bank has bought Missouri Bank Notes at 50 per cent of discount, and thus unblushingly profits by public distress and calamity. He is the very man who has

swindled Charles Lucas one of my sons, out of his life. It will be found on enquiry, that in North Carolina, where he is born, in Tennessee where he did reside for a long time, all is of a piece with his directorship and other incidents of his life in Missouri.

When the question of authorizing the people of the territory of Missouri to form themselves into a state was agitated in Congress, he sat no bounds to his abuse and revilings against the members who were in favor of a clause restricting or inhibiting slavery. He filled with the names of the leading members from the north a list of proscription, which he published in the *St. Louis Enquirer*. I have on file the number that contains it. He was then the proprietor and editor of that paper.

Being fully persuaded that the Spanish land claimants have no kind of right in law or equity, and that all their hopes of success lies in their unremitting intrigue in the extension of their interest by making transfers of part of their large claims to influential persons, perhaps to some members of Congress, and lastly in their watchfulness to seize the opportunity of a thin house towards the end of the session, to obtain their end.

I beg leave to suggest that the safe and constitutional way to put their claims at an end is to provide by law that they shall present their claims within a given time before a judicial tribunal for a trial. This is the only place where plausible tales, pitiful stories and *ex parte* evidence will not find admission and will be of no avail.

Let me add that many of those claims are antedated, but as they were not duly registered and were deficient under other respects, the commissioners thought it unnecessary to go to the trouble to enquire particu-

larly into the fraud, and have proof thereof adduced. It may be proper to observe that there is an essential difference between the state of the land claims in lower and upper Louisiana, now Missouri, and the reason of it is quite obvious; in as much as the inhabitants of lower Louisiana were generally planters and agriculturists, whilst the chief pursuit of the ancient inhabitants of upper Louisiana, now Missouri, was boating, hunting, trapping and trading with the Indians. These last set little or no value upon land except when they heard that the country was ceded to the U. S., and therefore, when it was too late, they applied for large quantities of land for the purpose of speculation and then they missed their object entirely for the concessions under which they claim were issued by the commandant or lieutenant governor at St. Louis, whilst by a royal ordinance issued at St. Lorenzo on the 22d of October, 1798, the power of granting or distributing the royal domains was exclusively lodged in the intendant whose place of residence was at New Orleans.

The unconfirmed claims ought not to be confirmed 1st because the concessions are not duly registered and of course not authenticated. 2d, in most all cases the concessions have not been issued by the proper officer. 3d, because the concessions call for a greater quantity of land than is allowed by Spanish laws and usages. 4th, because the condition precedent, such as cultivation, &c., have not been complied with. 5th, because in almost all cases the right of domain was no more in the crown of Spain at the time its officers issued the concessions or orders of survey.

Was I at Washington when these claims will be under the consideration of congress, I should, if called upon, appear with pleasure at the bar of either house to en-

large upon the reasons here before suggested. I should be now the most wealthy and popular man of the state of Missouri if I had been willing to betray the interests of the U. S. as land commissioner. I should have at present a seat in the Senate of the U. S., but official purity has not become as yet a recommendation in Missouri. I am, &c.,

Respectfully, &c.,

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St. Louis, December 27th, 1821.

Walter Lowrie,

Sir:—I have lately discovered that it was reported at Washington during the last session of Congress, that I had written to several members from the non slave holding states to encourage them to refuse their assent to the admission of Missouri into the union; that this report has been credited by several members from the south.

I declare this report is false, &c., and has been circulated by Benton or other partners to interrupt good understanding with the members of the south and induce the President to believe that I am malevolent and hostile to the people of Missouri.

I wish you to enquire of Messrs. Merrian Edwards & Daniel P. Cook, who live small distance from St. Louis and are strangers to local jealousies, what is my standing in Missouri. If from their report you are satisfied I have pursued a correct course, consistent with my public life in Pennsylvania, please to impart your impressions to the President. Whether the President will appoint me or not to the office of Judge of the District Court is not important, but it is of moment that the Spanish land claimants should not have their favorite



appointes. Probably Mr. Grey will be proposed by Benton & Barton. He is the same Captain Grey who was so intemperate and addicted to drunkenness whilst he was in the army, that he had received a hint to resign in order to avoid disgrace.

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St. Louis, Jan'y. 25, 1822.

Walter Lowrie,

Sir:—Seeing that you are a member of the committee of the Senate on public lands; seeing also that a resolution has been brought in the house of representatives for the purpose of having the French and Spanish claims to land in the state of Missouri referred to a tribunal, permit me to suggest you something more on that subject. It must, I hope, be satisfactory to you that the commissioners who acted upon those claims and made a report thereof ought to be of some service and utility to the Congress. It ought not to go for less than to inform the consciences of the members of Congress and induce them to put in litigation their claims within a given time or else all that labor must go for nothing. Mr. Scott in his resolution having used the word tribunal, may probably in the details of the bill qualify that tribunal so that it may at last be nothing else but a reference to one or more commissioners, which would be doing the same thing over again, and in that case there might be a possible chance on the part of the land claimants to gain some undue advantage as the proceedings would be ex parte. New encouragement would thereby be given to fraud and perjury. Unless these commissioners confirmed the claims in toto, there would be no end to new applications to Congress for confirming the rejected claims. The act

of the 12th of April, 1814, entitled "An Act for the Final Adjustment of Land Claims, &c.," presents in its operation a strong instance of it. There was nothing final in that act but the sound of the title. The whole tenor of it amounted to a dangerous surrender of important rights on the part of the U. S. being surreptitious in its effects it operated as an entering wedge in favor of the land claimants. After having obtained under that act the confirmation of claims which had not even the merit of legal incipency. The claimants have become more clamorous than ever about the claims that were not confirmed. Nothing short of a total surrender of all the lands they claim will satisfy them, and indeed their rights being secured by treaty, and the United States being in the present case a party, none but a judicial tribunal can finally and constitutionally decide between them and the United States. Therefore the tribunal to which these claims may be referred ought to be a judicial one such as any of the courts of the United States. At the same time I think it would be proper that the judges should be directed to mention in their adjudications when made against the claimant, whether the claim in their opinion had a legal incipency or was null ab initio, whether they entertained doubts about the sufficiency of the claim; in order to enable Congress to exercise hereafter its liberality with discrimination, for as these land claimants have come under the protection of the U. S. by purchase, and not by their own act, as they used to receive from their former sovereigns grants of land upon easy conditions and almost gratuitously the most remote equity or justice which any of their claims may possess ought to be attended to with parental tenderness. The U. S. are bound by every tie not to leave them any occa-

sion to regret their former sovereigns, and the change of their condition.

Respectfully yours, &c.,

J. B. C. L.

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Jany. 22, 1822.

Wm. Lucas.

Dear Wm.:—Your letter of the 4th of January was received yesterday. I reciprocate you my best wishes at the beginning of this year, and particularly that you may be successful in your change of situation and your new pursuits, but let me remember you that these wishes will be of very little avail if you don't help yourself to the utmost of your power. You cannot dissemble to yourself that you have lost already a precious part of your time. One loss may be repaired, two would be ruinous. It is with regret that I advert to the past. I do it from the best motives. Your good sense and the energy which with health and youth you certainly must possess, afford me pleasing and strong hopes that you will go through life with comfort and honor. As to fortune the pursuit of so fickle deity gives much more trouble and uneasiness than its possession is worth. Beside this, fortune is a mere matter of accident, otherwise its appellation would be wrong. I am happy to hear that my standing is good in the part of the country you live, not only for myself, but for you also. Long since, I thought that my enemies in St. Louis were an injury to you and that you would be better off any where else. I was absent when Mr. Read went off. I intended to send you by him the deed of Clemson to have it recorded. I expected to overtake at St. Charles, a Mr. Barton whom I had met a day or two before on the road near Vailliant and had delivered me a few lines from you to Adrian, but I was disappointed. I

handed your watch and a letter from Adrian to Colonel Allen the representative of your county. I have received lately a long and artful letter from James. He speaks highly of you. He says he loves you as himself. Saml. Perry called this day a week at my house as he was going home from the legislature. He told me that Geyer had declared himself candidate for Congress. Judge Stewart had offered himself before. I am informed the latter is preparing to go through the state and show himself. He is now at St. Louis. He is a laughing stock there. The French speak of him with great contempt. I don't think he will have any support from them. As to Geyer, from every enquiry I have made from the members of the legislature and others I am induced to believe that he stands no kind of chance. He is considered to be almost in a state of insolvency. I was informed that his library is executed. Judge Pettibone told me the first time I went to St. Charles since your departure that he heard several express an apprehension that I should be a candidate I should carry the election unless the opposite interest was consolidated on one candidate. He told me last time I was there that such opinion prevails among my friends and foes. Antoine Janis also told me last time, that I was fast gaining ground among the Americans, and that the French would certainly be for me. He told me likewise that Pettibone is my friend. That he knows he speaks much in my favor. Saml. K. Caldwell, senator from Peck, says that I stand better than any other in his county as politician and as a judge. The French are loud in my favor. Labaddie and few others think that I should render the most services in the state legislature. They seem to wish to diminish the effect of the reaction as much as they can.

Mr. Stokes told me that I was able to render great services in Congress, but that the state stood in greater want from me in the state legislature. Lawyer Cozens told me a few days past, that if I was not opposed to the land claims in toto I could be elected to Congress, but as to the state legislature none could out poll me. Mr. Strother overtook me a day or two ago in the street and told me that if Scott was not candidate, he would give me his support, but at all events he would not oppose me. That my popularity was increasing fast. That he doubted Scott would hazard to be a candidate against me; that provided I exposed in the newspapers the defects of the constitution, their general tendency, and commented on the votes of Mr. Scott in the convention, he was persuaded that I should succeed in the election. Le Vieux Cadet is now quite polite to me; being in the Senate Chamber he invited me to the fire and brought me a chair, he told the fate of his case with Mde. Chevalier before Judge Pettibone, and the desertion of Benton has opened his eyes. Warner tells me that he declared on the other day in presence of Gamble and Lawyer Peck, that if I was candidate for Congress, I should have his support in preference to any. They both gave me an apparent approbation. Mr. Strother wishes me to ride this spring the circuit with him, he says that it is absolutely necessary that the people should see me. Strother told me that he expected the French would vote for me; as he supposed I would support such of their claims as are equitable. Bosseron is very warm in my favor. He says that I shall have a very great support from the French and Americans in St. Louis; that the merchants and grocers will generally be for me. Mr. Strother told me that he heard Dr. Strother say that if Scott is not candidate, he

will give me his support. Jeremiah Connor was then present. La Croze says that he is satisfied from all he hears and overhears, there is a great change in the public opinion in my favor. Didie says that he is sure the Augt. Chouteau will support me, and that as for himself he will, contrary to his former resolution, be as active as possible for me. Notwithstanding all these I continue to declare that I am not a candidate. Cook, of Madisson is another candidate for Congress. I desire you to appear pretty indifferent about the candidates. This is the way to render you acceptable to all persons, and there is a clear benefit in such a course both for the purpose of society and practice in your profession. Be forbearing and indulgent to others; use severity only towards yourself. You may derive now a great advantage from your experience by applying it to your present situation, which may be termed a new moral existence if through some confidential friends or other indirect means you could know or learn something of my standing and that of Scott in Boon county or Montgomery. I hope you will inform me of it as soon as possible. If you were asked if I shall be a candidate for congress, say that it may or may not be, but you know not. The piece which I forwarded to the editors of the National Intelligencer has been published in their paper of the 11th of December. I have some intention to take a ride through the state early in the spring. I have rented the stone house to Lawyer Cozens for 10 dollars per month. The books will be put at auction in a week from these. Adrian expects to be able to send you in about two weeks those that he will buy for you.

Money is more scarce than ever. One dollar in specie commands two in loan office paper. The Illinois bank

notes are not so depreciated. Devores tells me that I stand fair in St. Charles County, and have a good chance to have a majority in my favor for Congress.

Mr. Barton has written me a very impertinent letter the same day that Adrian received the law books from him at his office. I have made him an answer which in substance and form ought to cure him of his turn for injustice and impudence. I regret very much the circumstance, but I could not get over so much insolence.

Adieu,

J. B. C. L.

In my next I shall endeavor to answer your question on the *communante* under the *contume de paris*.

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St. Louis, Jany. 31, 1822.

Wm. Lucas,

Dear Son:—Agreeably to the promise I gave you in my letter, I am going to transcribe here some of the leading principles governing the rights of husband and wife *Par la contume de paris*. Art. 220—and comments. 225—237.

I have made here a selection of leading principles. If they are not sufficient state particularly any point and I shall endeavor to give you further information from the law or its analogy.

Mr. Geyer is considered to be broke and insolvent. From all I can hear the public opinion seems to be fixed again supporting insolvent men any more for offices. McCallister from St. Ferdinand in my favor for cong. I shall run well in Jefferson County so says Col. Hammond.

Farrar says that he is not going any more to raise false friends over his head. He don't know but I am

his enemy, but he knows I never shall use dishonorable means. He prefers such men to false friends. O'Fallon says that he regrets that a clause for the gradual abolition of slavery was not inserted in the constitution. Had no particular objection to me for Congress. Could not say that he would vote for me but felt no disposition to oppose.

A person of weight and influence said that as a politician I was acceptable to him, but when he was pressed to declare in my favor, he said that my conduct towards Mr. Hunt's family operated in his mind as a great draw back. It was then observed to him that Mr. Hunt's complaints ought to have no weight, to which he reported, but if it is Mrs. Hunt, and stopped short. Mr. Soulard has told me since that it was generally reported in St. Louis, that I had urged Mrs. Hunt, after her husband had become poor, to leave him and come with her children to stay at my house. Such infernal calumnies, if really they proceed from my daughter, receive a new force and when handled by my enemies must tear and damn my character, if it is not adamantine.

Yours, &c.,  
J. B. C. L.

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St. Louis, June 5, 1822.

Wm. Lucas,

(Letter in answer to letter of 25 May, requiring without delay account of popularity in Callaway and Gasconade. Informing him of my journey to the south. Majorities in my favor except, &c. Some account of Mr. Stewart's depression seeing that I stood fair at St. Louis, his boastings that his election is sure if I am not candidate.)



May 20th, 1823.

(Substance of letter.)

Wm. Lucas,

Confessions of Strother on political subjects; resigns office of receiver, next fall goes to Washington, invites me to go also to assist him in having lands confirmed, meaning the fair claims; says that he and I could accomplish that object; says that Benton was federalist in Tennessee, Scott has no weight, neither of them can procure the confirmation of the land claims. He declared before that he will be candidate for Congress. He commits himself daily, lose ground, was fined \$10 by court for contempt. Is openly for Crawford. Says the Missourian is federal paper and viewed as such up Missouri. The Bartons, Bates, &c., decidedly for Adams. Col. Cook wishes to dissemble but is for Adams. I have spoken well of Adams and said that I could not reconcile to support him perhaps from no other reason than party pride, as he was once federalist. Said that I would not take active part in presidential election. I saw Thomas Senator decidedly for Crawford. Says that the old staunch republicans stand for him; says also that I am relied on at Washington as undeviating republican. Gallatin expected from France next fall. His family remains in France. The object of his journey understood to be to use influence in rallying republicans in favor of republican candidate. His efficiency much depends upon. Lowrie, senator from Pennsylvania told him that I had a high standing in the district where he lives. Thomas wishes me to spend next winter in Washington and Pennsylvania, that I might be very useful. Duff Green called at my house with Strother not long since. He stated, what I had heard, that he was nominated to the Senate for

register of land office of Missouri. Was rejected by Senate. Was nominated again. Senate adjourned before acting on second nomination. Edward advised him to ask my interest in the Senate. That I stood very well with several senators. I answered him that there existed no friendship nor enmity between him and me, that I could not solicit but was willing to make a fair statement of facts. He appeared to be satisfied.

No plowing done yet. Land too wet. Adrian most always abroad. Ludicrous pasture well stocked with horses. Mrs. Le Due dead, &c.

J. B. C. L.

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June 6th, 1823.

Wm. Lucas,

The resignation of Pettibone regretted by me and others. Make the best you can of Tucker. If you become his favorite, never praise him. Circuit Court sitting. Geyer seems to court Stewart. Scott is here. Understood by many that he will be candidate for Senate. We had yesterday a full sight of each other.

Strother gave yesterday night an entertainment to several gentlemen of Ste. Genevieve. They well understand his object. This canvassing earlier than usual, calculated to entrap. Elector ought to retain as long as possible his discretion untrammelled. Other persons more modest and as deserving may be proposed at a later time.

I saw McNear and Scott speaking long time together yesterday, perhaps advisable to suggest that so early canvassing is improper. Barton not returned. Bates married. Rector is returned. A dinner by subscription is given to him to-day. I refused to subscribe. Bishop Dubourg returned. Gone again. Complained

from pulpit against the French. Enlogize the Irish Catholics. Jesuits arrived. Going to be established on Bishop's farm near Fleurissante. Rented my house to Pitzer. Mississippi very high. Approaching dissolution of Mr. Read affects me moderately. I am familiar with such events. Look with indifference on my turn. Sole apprehension is to outlive. Reasonable strength of mind and body. Farrar caned Dr. Mason. Fined \$30.

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December 5th, 1824.

(Substance.)

Wm. Lucas.

Received two letters from you, one Nov. 4th, the other Nov. 17th. Success in your profession make me very happy. Adrian incurable. Heard of many of his indiscretions at St. Louis since departure. Your house vacant. By Gamble's appointment, Bates will take it under Gamble.

Notwithstanding Barton's egregious faults, challenge, &c., succeeded not by his merit, by odium of adversaries. McNear went off with disgrace. He neutralized his efforts by offering for Senate. He denied it. Grant assured Bates he had. Scott, Benton, Victor and all posse share in defeat. Members of Legislature had consulted together. They were going to request Benton to go to his post. Benton got the wind, saved distance.

A great many from St. Louis attended first week of session. I did not go. My whole attention was taken up with Soulard's case. I was both nursing and preparing myself. I addressed court on Monday, 22d—morning, afternoon, continued next day until 1 o'clock—objections of Lawless,—my answer—Judge and District Attorney expressed wishes. Went on I think pretty well morning,—not so well afternoon. Ex-

hausted next day in body and mind. Probably you have heard by this time something of it. Was often interrupted by Lawless. The latter followed me. He was perfectly at loss notwithstanding his great labour. Read from history of Louisiana by Stoddart. My remarks upon Stoddart's two reports. Strother and Lawless comment, &c. Reflections. I explained. Lawless said it was worse told. Retract, refusal, interference of Penrose.

Bates concluded. Offered to me previously to conclude. He was particularly polite. He did pretty well.

Testimony Lassus. Principal partially interpreted. Bates rather easy. Is much courted by L. C. I was present all time. I was a check. I hope to be efficient in my case. The means are turning. I wish that the motto—may suit me as well as you, though I am much less elastic. I hope also to take part in arguments of 1st case after testimony will be closed.

Wm. Christy and others, my warm partisans talk in Barber's shop favorable to me. Some surprised at my law knowledge. Agreed any way that I was full match. T. Hunt has removed to St. Louis immediately after appointment, new recorder of service to obtain documents. I had three important ones. I shall look for more.

I am on popular sides of question. Strother seems to feel X. I too make question still more popular by showing in next speech its bearing on interest of settlers on Spanish L. Claims.

Yours, &c.,

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St. Louis, Jan. 26.

Wm. Lucas.

Dear Wm.:—I hope you have not, or at least will not fail to go to Spanish Needle Prairie settlement and

make yourself acquainted, as far as possible, with the quantity and quality of land that have been relinquished, how much lies contiguous and perhaps you may obtain some information beside that which you have received from Mr. Moore. Mr. Stephen Glasscock, Clerk of the court of Rall County, has called at my house lately. I have requested him to make also enquiry on the same subject in his part of the country. He has given me some hope that he would be able to find a good section of land some where near the line between Pike and Rall. As it is probable that the location which we intend to make will be sold, we ought to be governed in our choice not only by the quality of the land and situation, but also by the relative value set upon it. As the limitation fast approaches, no time ought to be lost.

I am informed that the directors of the Bank of Missouri have at last submitted to any terms imposed upon them to satisfy the debt of the U. S. No doubt but this sudden change of conduct is the result of the advice and direction of Benton who thereby imagines that he will palliate the iniquity of the original transaction, avoid further public investigation, and claim at Washington the merits of having brought about something like an equitable arrangement. It is certain and publicly known that Benton is indebted to the Bank for a sum of upwards of \$11,000 and Scott for \$10,000, part to the principal bank and to the branch bank at Ste. Genevieve. I think you ought to state the fact on every occasion and expatiate upon it. State, for instance, that the most influential friends of Scott, had the bank in their power; that they have loaned to themselves and their political associates not only the capital of the bank but the deposits made by the U. S. and others.

That through them the bank has failed and through them the holders of the notes of the bank at the time of the failure have lost 50 per cent upon them; that this institution has answered the double purpose of—and of raising its favorites into power in the federal and state governments. You might mention that I owe nothing to the bank, that I did not borrow from the bank to pay my stock, nor have I been instrumental in any of the evils consequent to the failure of the bank. Advise you to be moderate and cautious.

I have received, yesterday, a letter from James Lucas, dated 12th of December. He says that he was not long before at Chouteau's camp on Grand River. He was received with much attention by Chouteau. Saw Christoph Sanguinet. He says also that he is going to settle in Crawford County, to which the emigration is very great. He states that he has been urged to offer for the legislature and has declared himself accordingly. He expects to be elected without difficulty if no unforeseen accident happens.

I was informed a few days past, that the young person was sick at Fte. during some time before her friends knew anything of it. Mrs. R'd went to see her and took her home with her. I have heard yesterday that she is much better. Perhaps you had better to come soon. I shall probably be able to help you with some money if you need it. I am going to complete the inventory and file it with the clerk, and also make a settlement of accounts until this time. I should like very much you were here to induce Mr. Hunt to do his part.

Yours,

J. B. C. L.

St. Louis, January 6th, 1826.

Wm. Lucas,

My dear Wm.:—Your letter of the 16th of December was received. I am much gratified to hear that the sketch of argument has met the general approbation and yours particularly. I have transmitted about 70 pamphlets containing the same to the city of Washington. I have also sent several to Philadelphia, Pittsburgh and other parts. Although such a subject ought to be dry and very little entertaining, the generality of readers, it appears, however, that I have so far succeeded as to render it sufficiently clear and interesting. I am much mistaken if it has not been as well received in St. Louis as among your acquaintances up the Missouri. Judge Peck has delivered lately his final opinion, which is essentially the same as before. Mr. Lawless has taken an appeal. All the other cases are continued. He says that he will not proceed to a trial of these cases, but until he obtains a decision of the Supreme Court. He is an indefatigable man. I attended during all the time necessary to arrange the testimony, take exceptions to diverse decisions of the court as to what was received or rejected, in order to make a full record. I could discover at last some signs of despondency on the part of Mr. L. through his pretended appearance of confidence.

It is probable that Bates will be candidate for Congress. If so, there will be a vacancy to fill. I should be very glad to see you on various accounts. You have seen, I suppose, my criticism on the French Prospectus of Foreman and Keemle. Their reply has compelled me to say much more than I first intended.

It appears to be here the prevailing opinion that they have been much worsted. I sent you a few hand bills

which I presume you have received and circulated among your friends.

I am glad to learn that you have taken the necessary arrangements to redeem the land in Cole County. I have received yesterday a notice of Sarah Morin, and Geo. Jackson, guardian of the minor children and heirs of John Morin, deceased, dated December 26, 1825, that they intend to apply to the next court to be holden in Howard County for a decision of the estate, &c., which court will be holden in April next. I here enclose the notice. I hope you are provided with such authority and instructions as are necessary to make the choice yourself, if not, you will let me know what is necessary to do.

I have looked in the papers in vain for the documents relative to this land. I have some confused idea that I gave you a writing on that subject, however, it is not probable as you would have mentioned it in the receipt you gave me for the papers concerning Isidore Dupuir's location. As you have a better recollection than me I wish you to let me know if you ever saw such a paper. I think it best to enclose the notice just spoken of together with an authorization to make the selection for us. I think it would be well to look into the county records for the deed of John Morin. Some information might be obtained there concerning the share we have, at any rate you would ascertain the name of the person in whose name the location has been made. There are sever persons who wish to buy that land. You might know from Geo. Harrison the guardian or other neighbors what it might sell for.



February 13th, 1826.

Wm. Lucas,

My dear Son:—I am impatiently waiting for a letter from you. I am becoming more fond of you than usual. I presume it is because I hear frequently very favorable accounts of you. Now, my dear son, you are sensible that you are assuming a respectable ground in society. It is by becoming useful to yourself that you become useful to others, and that you rise in the public opinion. I assure you that nothing is more gratifying to me. I know that I am doomed to lose soon my grasp of the world, indeed, I have been gradually prepared for it, but I think I shall retain a considerable concern for it if I see any of my children filling a respectable space in the social order.

I wish to know whether you will be a candidate or not. I am informed that Mr. Grant intends to run for the Senate. I saw him the other day at St. Charles. He appeared distant. I approached him and endeavored to humour him. I did put one of my pamphlets in his hand. I am told that Dr. Talbert will run for the Senate also. I should regret you should be a candidate if your prospects are not the very best. You know, I presume that Bates is candidate for Congress. Mr. Giger looks for the Senate. He says, I am told, when he is asked if he is, he answers, the Senate is a high situation which ought not to be sought after nor refused. As far as I could know, it is doubtful that he would carry over Benton because he is not personally popular. He is complained of for having used roughly and mercilessly in debates the country members because also they say the same objection lies against him as against B. He is also much disliked by Bates and his friends.

It appears on all hands, however, his intimate friends excepted, that B. is unpopular. I am told that Stevenson from Washington has said before a number of members at St. Charles, I could beat Benton for the Senate. I was asked at St. Charles during session if I would offer for the Senate. I answered that I never would put it in the power of the people or any set of men in Missouri to give me a refusal. That the legislature in their electoral capacity ought not to be acted upon as the multitude, they ought to consult among themselves and point the person whom they believed to be the best qualified and then ascertain if he would serve if elected. I ascertained whilst at St. Charles that my argument had been well received and made a very favorable impression so far as it had circulated. I distributed many pamphlets to the members.

I have written to Adrian to come and stay a while at my house. If he does you will probably see me at Callaway at the court. Perhaps I shall go to Montgomery. I have many things to say to you which cannot find room in a letter. If I can raise funds probably I shall go to Pennsylvania in April. I think Congress will not adjourn before the middle of May.

Your affectionate father, &c., &c.,

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October 23, 1826.

Wm. Lucas,

Agreed for sale of lot of ground of Adrian Lucas \$450. \$150 in hand, the remainder in two yearly payments. Have not heard of you since your departure. My case against representatives of Makay continued. District Court adjourned to 1st Monday January. Major Bidle candidate in earnest, has exposed Benton in the upper counties, Ford's remarks, great depression in Benton.

Torch light printed in pamphlet. I have drafted petition to Congress. Object is to have claimants in court. Benton has taken petition from claimants to the president.

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Jany. 24, 1827.

Wm. Lucas,

(Letter to, not important, explaining why I have not been writing during session of Legislature. Source of information not at St. Louis, it was at Jefferson.)

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St. Louis, July 21st, 1827.

Wm. Lucas,

My dear son:—I was just going to write to you when your letter of July 16th was received. I attended the public sales of the relinquished lands during 2 days and out of more than 60 quarter sections cried out on the 1st day, none but  $\frac{1}{2}$  quarter section was sold. I bought on the 2d day the half quarter relinquished being part of the half quarter where Adrian resides, at the rate of \$1.25 cents per acre. No one bid over me. None that I know of has been sold for more than the minimum price. I saw there Christopher Talbert who purchased but little land. I had no sooner shown him some little politeness than he directly applied to me for a loan of money to help him to make his payments. Perhaps it is for want of funds that he did not bid over me. I am sorry to hear that Adrian is so impatient to get married. You might suggest to him that situated as he is he cannot marry but some very low and trifling woman, and being destitute of bodily power and possessing very

few means as to shift and management he will inevitably sink in poverty and perhaps be slighted and deserted by his wife. That in waiting a little longer he may with his own funds and a little pecuniary assistance from me, have a black woman and some children who will afford him a present comfort and better prospects, whilst at the same time it will enable him to marry to better advantage. If he yield to my advice I will also give him the half quarter section adjoining him.

I am informed that Col. Strother has bought of the widow of Louis Chancellier of St. Charles, her pretensions upon an arpent and a half on 40 sold to me by Auguste Chouteau, originally granted to Joseph Gamache and Rene Riercereau. From examination of my titles and the laws of Spain, I feel perfectly at ease notwithstanding the blustering of Strother and Lawless. The latter hinted to Mr. Hunt the other day that the trouble and expense of attending a suit before the District Court of the U. S. at Jefferson would be great. That perhaps it would be more advantageous to me to make a compromise. I know that their sole hope is to ransom me, but they shall be disappointed.

The trade of St. Louis is daily increasing. Perhaps it may be checked for a while by the hostilities of the Indians at the mine of Fievre River. I was offered some weeks past, \$1500 for the square north of Capt. Brent by Mr Collier of St Charles.

You know, I presume, that the French and Spanish land claimants have signalized their defeat by causing all their suits pending before the District Court at Ste. Genevieve and St. Louis to be dismissed except one at Ste. Genevieve and one at St. Louis. The number dismissed at St. Louis is 180 including that of Makay's

heirs interfering with Baptist Lafleur location where Berry and Vailliant reside. I received a patent for the same one week after the dismissal. Mr. Benton was attorney of record in several of the suits dismissed. I keep something in reserve to confound him. It is remarked here that Benton is shunned and neglected. Probably many of his friends are ashamed of him. I presume you have seen in a late number of the Republican how he has behaved with John Jones, formerly brick layer at St. Louis in a certain pecuniary transaction.

I found the other day among my papers a letter of James Beaty referring explicitly to his bond and urging me to make selection for 100 acres of land agreeably to the same. If you know where Beaty is let me know it. I believe a partition has been made of the same before, having been served with a notice for that purpose two or three years since. I hope you have paid the taxes for the land near the mouth of Manitou and at Cotes Sans Dessein.

It seems to me that from the standing I understand you occupy at the bar and the many counties which you attend, you ought to receive a tolerable remuneration. Perhaps you carry your liberality too far. This is the only fault your friends charge you with. This is certainly an honorable fault, but you ought to reflect that in this country, but with very few exceptions, no one is properly an object of charity, and that knavery and baseness ought not to be encouraged. If you are determined to be easy and liberal let it be only with sound discretion. If many of your clients cannot pay you immediately at any rate never miss to take an evidence of their debt, payable some time however remote. I make these remarks because I have been often

sufferer from my own honorable disposition and had no thanks for it.

My intended journey to the east may be protracted until September or October next. I see no one to whom I can leave the management of my concerns but you. I wish you could make it convenient to come to see me in August. Should you purchase a piece of land somewhere and commence improving it, I could give you my farming utensils and a couple of horses, probably some household furniture. Simon is returned from Memphis greater villian than ever. He is now run away. So much for my forbearance. From all I can see the prospects of Adam are improving. Jackson has committed himself particularly in his letter concerning the 6 militia men. He is now at issue with Clay by his letter to Carter Beverly and the denial of Clay. The member of Congress of high respectability alluded to in Jackson's letter is supposed to be either Scott or Benton. Such is the opinion of Gyer and others.

Dear son, I am yours,

JOHN B. C. L.

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St. Louis, Augt. 12, 1827.

Wm. Lucas,

My dear son:—Since my last to you of the 21st ulto. various incidents having taken place, I feel induced to write to you again without waiting for your answer. At last I have received through the marshal a written notice under the name of Daniel Strother of Jefferson County, Kentucky, to give him up the possession of two arpens of land bounded on one side south by land originally granted to Baptiste Berket and on the other side north, by Louis Bissonet, which included the arpent originally granted to Rene Rencereau and the other to

Joseph Gamache. I understand that this Daniel Strother is the brother of G. F. Strother and that a conveyance has been made to him in order to avoid the jurisdiction of Judge Carr, and bring suit before the District Court of the U. S. Judge Carr is threatened to be sued also by Strother and Lawless for the recovery of the arpent on which his dwelling house stands. O'Fallon's house stands on the same arpent. Carr, seeing that he and I are some what similarly situated has invited me to a conference. I accepted the proposal, called at his house the day following. I imparted my idea of defense, he reciprocated me his own. He appeared to be very well satisfied with my communication. The day after Tuesday last the action of—of the widow Marty against Tesson Honore for the house and lot occupied by the latter was tried. I attended during the whole time. I heard most attentively the defense of Tesson by Gyer. He said nothing new to me and omitted many things. Probably out of surabundance of means among other things he relied upon a prescription under Spanish laws in consequence that Honore had a possession of ten years before the common law had been introduced by the statute of the territory. Mr. Carr in his charge to the jury sustained that position. It was late in the evening when the argument was closed. The court directed the jury to seal their verdict when agreed, and meet in the morning. It is understood that the jury made up their verdict in a few minutes. The case was argued by Strother for the plaintiff. The widow had agreed to let him have one-half of the house and lot if she gained and if she lost she was to be clear of all costs and expenses. Strother is extremely odious and cheap. He did not deny in his argument the principle of prescription by ten years

possession between individuals, but he contended that the title was still in the king and that no prescription run against the king. The public opinion seemed to run strong against Strother and his client. It is the same, I am persuaded, in his claim against me. Auguste Chouteau, Major Christy, O'Fallon, Carr seem to be glad as I understand of the intended attack of Strother and Lawless against me, believing that I am able to make a good defense.

I shall call for your services as counsel as soon as the writ will be served upon me. I expect it every day. I have heard nothing from Strother in the course of his argument for the widow Marty but what I could answer with the greatest ease, not excepting his distinction as to the effect of prescription.

There is, of late, a very great increase of lawyers at St. Louis, say 8 or 9. It is said that John O'Fallon will be candidate for elector for Adams. Rutger's place adjoining Judge Bent has been purchased for the use of an arsenal. They are already hauling timber to it. I had a short visit from Adrian. He appears to be more reserved than usual. He is very saving. I made him a deed of the whole quarter section where he resides. He left me on the 5th or 6th inst. to go to Loutre again.

Let me repeat that I shall be glad to see you at St. Louis as soon as you conveniently can. I wish you would suggest to Adrian, next time you see him, that you believe that I shall help him up in procuring him a negro man and a negro woman. That being crippled and unable to rise a crop himself it would be the height of folly to pretend to have a wife and rise a family. That thus circumstanced no decent girl nor her relations could think it reasonable that she should marry a crippled man without any means to support her, but



by waiting until he has a couple of slaves he may make a match which may give him comfort all his life without sorrow and shame. You might add as your opinion that in case he should disparage himself by making hastily an improper choice of a companion he might forfeit my good will and affection, and feel the effects of it both whilst I live and even after my death.

Adieu, &c.,

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St. Louis, Jany. 10, 1828.

Wm. Lucas,

My dear son:—I received with much pleasure your letter of the 23d ulto. The abundance and richness of the silver ore which you speak of cannot fail to be of great benefit both public and private.

You appear to be disposed to give up your professional pursuits in order, I suppose, to take an interest in those mines. Perhaps it would be proper that you should consult the most approved books and mineralogy and satisfy yourself from your own observation and actual experiments what may be the probable expense and benefit attending the working of that mine, for any miscalculation might be attended with ruinous consequences. Perhaps by diligent enquiry you might find more land containing such mineral which is not yet sold, and if so you ought to come promptly and purchase it. If you were wanting funds I should endeavor to help you in procuring them. On such occasions the least delay might be fatal.

If you had no interest in view in that silver mine, I think that the extraordinary profits which many one have made and are making at the Fever River mines would well justify that you should go there to explore the mineral region and examine closely all the advan-

tages that may be derived from adventuring in business there, obtaining lease, mining, &c. In my opinion the surest way to succeed would be to form a partnership with some person able to advance a capital sufficient to procure goods suitable to the place and carry on smelting. We have before us the examples of many who have been astonishingly successful. Even the Gratiots who certainly are not very well versed in business are making extraordinary profits. I have heard of several others who have already made little fortunes, for instance, Forgueson, the relation of John Scott who was a noted gambler at St. Louis, whom you know well, has been very successful. He arrived the other day at St. Louis with a draught from the Gratiots on Pratt & Co. for \$6000 due him for lead ore. There are a few, however, that are not successful. Alfred Sangrain is lately returned here from the mines after an unsuccessful attempt at mining. It is reported that he has been very industrious there. That he has been working himself and perseveringly too. He has sunk about \$300. The wages of working hands is very high, say from \$20 to \$25 per month, thus, if one don't happen to strike the vein or stratum in short time, a small capital is soon exhausted. From your saying that you have succeeded very well at the late courts, not in making money, but in increasing your reputation at the bar, it appears to me evidently that you have now a capital, which, if not transmissible to your heirs, cannot fail from becoming productive whilst you live in the ratio of the increase of the wealth and population of the country wherein you practice law, and this increase must necessarily take place. You have begun with the country and you are growing with it. This is an advantage which but few in your profession enjoy, and

which ought not to be slighted. We are the artificers in a great degree of our own happiness. I am well satisfied that many a one have derived not inconsiderable comfort from situations much less enviable than yours. I assure you that I feel a great gratification from having often heard that you enjoy an unusual share of the personal good will, confidence and affection of the people that surround you. These sentiments are based upon something much more solid than political popularity. There is nothing evanescent in these advantages. They have been acquired by the genuine emanations of your moral character and cannot fail to be retained by the same means. This is a valuable ingredient in the sum of happiness which is allotted to man.

I have been much worse with the cold I had when you went away. I thought for some days that I was going to make a prompt exit. I am recovering though slowly. I have given up long since all hope of going to the east this time. Capt. Gyer expects to be in your part of the country some time before next March. He has told me he would call on you. There were two political meetings at St. Louis, as you have learned, that for Adams was the most numerous and under other respects more respectable. I declined to be one of the committee to report the preamble and the resolutions. I voted against the preamble without stating any reasons.

I am correctly informed a number of persons amongst whom Dr. Lane and Ben O'Fallon are counted, have been much offended in consequence of Gov. Miller, Benton, &c., having designated or selected Wm. Ashley for one of the electors without previous consultation. I am persuaded that the elements of discord amongst

them will receive a full development in a short space of time. From what I have heard there is no doubt but that there will be a strong opposition made to Bates at the next election, however, I have been able to discover that they are at loss for a person to oppose him with probability of success.

Adieu,

J. B. C. L.

Let me hear of you as often as you can.

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St. Louis, May 1st, 1822.

James Lucas,

Sir:—The law books belonging to the estate of C. Lucas have been sold some time since at auction. The greatest part of them have been bought by Adrian Lucas. I have taken them from his hand by assuming to pay the price which he had bought them for.

I have given a part of them to Wm. Lucas. I intend to send you the other part when you will have given me directions how and where to send them.

J. B. C. L.

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St. Louis, April 15th, 1823.

James Lucas,

Sir:—I have forwarded you a trunk by the steamboat Calhoun which is to be left to the care of Wm. Montgomery & Co., mouth of White River. It contains the follows books:

Henning & Mumford.....	3	Vol.
Mumford's Reports.....	2	"
Bosanquet & Puller.....	5	"
Atkins Reports.....	3	"
Vernon's Reports.....	3	"

Bradby's on Distress.....	1	Vol.
Law of Attachments.....	1	"
Blackstone Comment.....	4	"
Cook's Reports.....	1	"
Four Blank Equity.....	2	"
Trial Per Pais.....	2	"
Powel on Powers.....	1	"
Gilbert Evidence.....	1	"
Peak's Evidence.....	1	"
Es pinass nisi pri.....	2	"
Peak's Nisi.....	1	"
Pleader's Assistant.....	1	"
Leach's Crown Law.....	1	"
Francis Maxim.....	1	"
Lovell on Bills.....	1	"
Wilson on Arbitration.....	1	"
Burlemaque .....	2	"
Terms, Reports, Digest.....	1	"
Laws, U. S.....	5	"

I lent Mr. Wm. Russel, March 21, 1823, Washington Repts., 1st and 2d vol., and the 4th vol. of Henning & Mumford. I have directed him to deliver those books to you after the trial of a case in which he intends to make use of them.

Farewell,

J. B. C. L.

Copy of receipt forwarded to James Lucas and enclosed in the foregoing.

St. Louis, April 16, 1823.

Received of John B. C. Lucas one trunk said to contain books which I obligate myself to deliver to Wm. Montgomery & Co., at the mouth of the White River on payment of one dollar freight for same.

E. F. BUSH,

Clk. Calhoun.

June 30th. 1821.

Adrian Lucas,

I received your letter of May the 12th ulto. My son, had I consulted nothing but my feelings I should have answered it much sooner, but I thus postponed in order to impress your mind that the forbearance of a father if carried too far might bring him into contempt or at least make him too cheap. From my recollection of your good disposition towards me during the life of your mother and for a long time since, I cannot but suspect that some evil minded persons have artfully contrived to create discontent in your mind. I wish you may guard yourself better hereafter against the insinuations of my secret enemies. You are without guile or deception. Of course knaves may have imposed upon you and may try again. I love you and I wish you may be persuaded that I am the best friend you have.

I would cheerfully let you settle on the land you allude to, half a mile from Capt. Hunt if it was practicable, but from the trial you had at farming with houses and fields ready for plowing and also other means, it cannot be expected that you could succeed when every thing is to be done and when you are destitute of means. I shall be happy to see you when you think proper to call in. You may, if you choose, come and stay with me.

I am your friend,

J. B. C. L.

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February 7th, 1826.

Adrian Lucas,

(Letter to, inviting to come and spend two or three weeks at my house. Might have opportunity to sell lot to enable him to purchase servant, male or female.

Perhaps better to sell his place for price of a negro. He might settle on my land or on land of estate of C. L. Speak not about what Dr. Talbert told him or upon same subject. On necessary occasions, consult Wm. or myself as his best friends, &c.)

Yours,

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October 23, 1826.

Adrian Lucas,

Informing him I have contracted under penalty that he would execute deed of one lot of ground, consideration \$450, to-wit, \$150 in hand, the remainder in two yearly payments with interest. Request him to come soon, or else write to me and let me know when he will come.

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St. Louis, June 15, 1827.

Adrian Lucas,

(Informing him that I have received his letter of 7th June. That I have endeavored to purchase negro woman for him. That I am about writing to S. Glascock for information on same subject. I could have purchased one or two for \$300 and \$350 but was not satisfied as to their qualifications. I intend to Pennsylvania in commencement of next Sept. to return again next March or April. I shall be glad to see him when he can make it convenient.)

Affectionately, &c.,

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St. Louis, October 17, 1821.

J. J. Lucas,

(First part of letter written in French.)  
very pleasing. These words are so appropriate that this circumstance hence forth will relieve me from

the difficulty to write in a language less familiar to me than the English.

The territory of Missouri is now elected into a state, and I have ceased to be judge since that event. I was candidate for the federal senate. I have not succeeded. I might have been the most wealthy and popular man of the state, if as commissioner for the domains of the U. S. in Louisiana to adjust and quiet claims and ascertain titles to land, I had colluded with the land claimants and made a report to the government of the U. S. favorable to their colossal claims, but I feel an irresistible and hereditary disposition to preserve official purity. My lot is cast, and I bid adieu to popular favors. Whilst I was in Pennsylvania the interests of my constituents were going in unison with those of the U. S. Here the pretensions to lands of those who were formerly Spanish subjects and many Anglo-Americans who have since purchased from them are at variance with the interests of the U. S. I have taken the honest side, but it is not here the profitable one. The ancient population formerly subject to Spain, consist in Canadians, French, Creoles and few European French and Spaniards. They are not destitute of private virtues, but possess very little or no public spirit. They have become my bitter enemies. If I had longer days to live I might weather the storm in Missouri. I know that I should be very acceptable as a public man if I chose to go back to Pennsylvania, but I feel perfectly satisfied to spend the remainder of my days in private life.

Notwithstanding the broad hint you give me as to the communications which I have made to Mde. Delille concerning divers unfortunate events in my family, I cannot become sensible of any impropriety on that head.



If they are tragic they betray no baseness. I confess that I am ashamed of the conduct of some of my near relatives, but they are not on the west side of the Atlantic.

In order to give you some idea of my unfortunate son the late Major Robt. Lucas, I here transcribe a letter which he wrote me seven days before his death.

French Mills, 2nd Feby., 1814.

Dear and beloved father,

Had I not had repeated testimonies of your fortitude, I would not now inform you that I am on the brink of my grave. I have a severe illness which commenced about seven days ago with the mumps and is now inflammatory. I was very sickly coming down the lake and the St. Lawrence. It is but a short time since I had recovered of those summer sicknesses. I am very much grieved at never having received a letter from you. I got several from Charles and one from Nancy. I enclosed him last summer from Fort George \$130 for you, and in one of my letters to you I enclosed \$10. In consequence of sickness and the pressures of the campaign I have not written home for five months. What I most regret is not to die in battle were my country might be benefitted, at the battle of Williams my regiment was in the rear guard. Have had no participation in the affair.

My best affection to brother Charles, Adrian, sister Nancy, brother William and James. Life's but a phantom.

Adieu beloved father,

R. LUCAS.

I have here some money, say \$130, my horse, &c., &c., &c., also one month pay due but I don't know what

will become of it. If it should reach home I want it to be given to brother Adrian in testimony of my love for him.

R. LUCAS.

I have not as yet received the compt. exact from E. V. Lucas which you promised in your last he would send me immediately. More than ten years have elapsed since I have received any letters from him, and you officiously answer in part in his behalf, as if you guessed that he dares not or intends not to write himself. Adrian has not as yet received your answer to his letter, neither did I expect that he would although you say in your letter to me—I beg of you to understand distinctly that I never advised Adrian or any of my other children to write to you. I know that none but him have written. He is

Had E. V. Lucas availed himself of the letter of introduction to the minister plenipotentiary of the U. S. at the court of France which I enclosed to him some years since, he would have learned from the best authority that no lady in the state of Pennsylvania stood higher than my wife did in virtue and other accomplishments. He would have learned that when the same minister was appointed minister of finances, I filled the seat which he had before occupied in the Congress of the U. S. He might have been informed of other particulars concerning myself and family.

My address is John B. C. Lucas, St. Louis, State of Missouri.

J. B. C. L.

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St. Louis, Jan'y. 4, 1821.

Nathaniel Macon,

Dear Sir:—Having some expectation to be put in nomination before the Senate for the office of Judge of

the District Court of the U. S. for the state of Missouri and being apprehensive that Messrs. Barton and Benton will oppose or endeavor to prevent the confirmation by the Senate, I beg leave to state that Mr. Benton was elected to the Senate by no more than one vote of majority; that there were five candidates and I was next to him; that I was powerfully opposed by the French and Spanish land claimants whose interest and influence has much increased the many transfers they have made of parts of their claims to influential citizens, both in this state and in Kentucky; that this opposition proceeds from my having made a report as land commissioner, unfavorable to their claims, and that I could have secured myself with the greatest certainty, a seat in the Senate, provided I had broken the trust reposed in me as land commissioner, or, in other words, made the best interest of the U. S. yield to their groundless pretensions. The land claimants have done all they could in favor of the election of Messrs. Barton and Benton. They therefore confidently depend upon their exertions to procure the confirmation of their land claims and keep me down by every possible means. Probably I may be represented to be an emancipator, if my enemies think that this will answer their end. I am,

Respectfully, &c.,

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Nov. 16, 1821.

Nathaniel Macon,

Sir:—Your letter of the 26th of Jany. last in answer to mine of the 4th of the same month was received. The difficulties that were unfortunately last session in the way of the unconditional admission of our state into the union of course prevented the president from

making a nomination for District Judge. If I am correctly informed, my enemies at Washington have succeeded in creating prejudices against me in the mind of the President. They have reported that I have encouraged several members from the non slave holding states to vote against the admission of the state, assuring them or giving them to understand that the opponents to slavery were getting into power, that if they held out the consequence would be that a clause inhibiting slavery would at last be introduced into the constitution.

Now, sir, having given up all pretensions to the appointment in question, feeling perfectly independent both in spirit and circumstance, without caring in the least about the smiles or frowns of anybody, great or small, and particularly assuring you that I ask nor expect favor from any one, I shall declare from a mere regard to truth and in order to expose the authors of such calumnies that I have not been since at least these three years, 25 miles beyond the bounds of the territory or state of Missouri; that I have not written to any person at Washington or elsewhere anything directly or indirectly for or against the questions for authorizing the territory of Missouri to become a state or for the admission of the state of Missouri into the union, nor have I at any time urged or suggested at home or abroad that slavery ought to be inhibited in the state of Missouri. I must inform you that the Spanish land claimants in our state, whose great wealth arising from confirmations of land claims and prospective interest has been productive of great evils in our elections, have succeeded in having their friends and partners sent to Washington. As one of the land commissioners having been the least favorable to their claims

as will appear by the report of the commissioners on the land claims which is lodged in the general land office, I have of course been the principal object of their hatred and persecution. No doubt but their agents have not been idle, and to these last I ascribe all the false reports and calumnies with which I have been annoyed during the last session. This stroke of policy or iniquity was a capital one as it was calculated to answer three valuable purposes: 1st of preventing me to be appointed judge; 2d to give the opportunity to secure the appointment to one of their creatures; 3d to interrupt the confidence and good understanding existing between me and many members from the South in order that my communications to them on the merits of their land claims should be unproductive of a due effect, and, in fact, make them hostile to me.

There will be, no doubt, greater efforts than ever made during this session to procure the passage of some acts in favor of land claimants. Many a pretext will be used; many plausible stories will be told for the attainment of that object; let me only observe you that Congress has already gone in its acts on that subject far beyond the most liberal justice. Let me assure you again that those claims are illegal and in quantities contrary to the Spanish policy and system of colonization, that many are fraudulent, not duly authenticated, nor have the concessions for the most part of them been issued by the proper officer. At any rate if they possess any merit the sure and constitutional way is to have them referred to a court of justice. In case the subject comes before the Senate, I think that Thos. H. Benton ought not to be suffered to vote, for I know he was the agent and counsel of the land claimants whilst at St. Louis, and I am informed and confidently

believe that he has the promise of a fee in land contingent on the confirmation of those claims. As to John Scott, I know he is a land claimant.

For the public and private character which I enjoy in Missouri for the course which I have taken on the question of slavery, I refer you to Messrs. Merriam Edwards and Cook from Illinois, they both live not more than 20 miles distance from St. Louis; being unconcerned in our local jealousies they are the best qualified to make an impartial statement of facts. I beg of you to keep in your mind that I don't descend to excuse myself before anybody, but wish only to prevent knaves from disturbing the good understanding that exists or ought to exist between honest men.

Respectfully,

J. B. C. L.

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St. Louis, Jany. 20th, 1817.

Josiah Meigs.

John Scott's resolution concerning land claims, Missouri territory to form a board, including register of land office, impolicy of resolution, all parole and written evidence concerning land claims contained in the report of land commissioners, made Jany., 1812, legal principles to be applied to them are Spanish and may be applied at Washington unless claims not before recorded be admitted to record, in which case flood of corruption open again. If anything to be done, better to be instructed to recorder Frederick Bates. He is much more fit and less objectionable under every respect than the register.

In my opinion A. McNear inadequate to the duties of his office; unconnected with the duties incumbent on a commissioner, such as contemplated by the resolution

of Mr. Scott. He neither can write nor spell. This is not his fault, but his misfortune. He had no opportunities.

I know the man this great while. He is native of Pennsylvania. Had lived long time in my neighborhood near Pittsburgh. All his connections there are federal. He used to act the part of federal bully at the elections in the district which I represented in Congress. He gave and received severe beating on the score of politics.

He came here, Missouri Territory, about eleven or twelve years ago. Took side with Wilkinson, was one of his confidential subordinates; always since complacent and obsequious towards those he thinks to have most power, never leaving that side. Having once a case before the Supreme Court he presented his affidavit to court, stating that he had reason to believe that I was inimical to him; expected no justice and requested that I should not sit on his case. I believe he knew well my character. The reverse was his opinion and his case was such that nothing but justice was to be dreaded by him. I paid no regard to his application. Since that as sheriff he acted very improperly at court on a certain occasion. I was one of the court. He was reprimanded. He ought to have been fined and imprisoned.

He was candidate for delegate last election two years. One of his nephews fought and abused one or more of those who voted or made interest against him.

A. McNear was very active about the last election. He exerted all his influence in favor of Scott. Lavished all kinds of abuse in words and writings against Easton. About one week before the election he became very boisterous. He struck in the middle of the street, with

his fist and drew a dirk against a very orderly and well-behaving young man, who was then reading laws under Mr. Easton.

When I was at Washington I was informed of Mr. McNear's application for the office of register. I thought that under every respect he was not deserving that appointment. Indeed, I never could have taken on myself to recommend him, but, taking into view that he had a large and increasing family to provide for and also his other apparent circumstances, I abstained from interfering. I now regret to not have come forward in due time and been plain and explicit about his unfitness.

As to his having been a federal bully at elections, I refer you to Mr. Thomas Wilson, a representative from Pennsylvania.

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Dec. 21st, 1819.

Jos. Meigs,

This letter will be handed to you by Venables a gentleman who resides in St. Louis since three or four years. He was recommended to me when he first came here, by one of my friends from Philadelphia.

Understanding that he is going to spend a part of his winter at Washington, my own acquaintance with him induces me to introduce him to you and recommend him to your civilities and polite attention.

(Sig.) JNO. B. C. L.

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St. Louis, April 7, 1821.

Josiah Meigs,

Sir:—A certain Mr. Piggot who is my neighbor and friend, having lost or mislaid two certificates and discharges by which it appears that John Shoemaker and



John Pratt enlisted on the 26th day of August, 1814, in Capt. Walter Wilkinson's company in the 24th regiment of the U. S. and that they are respectively entitled to the military land bounty as provided by law.

I beg leave to request you to cause to be ascertained whether any discharge and certificates relative to the above named persons have been presented in your office, and any land granted in pursuance of the same.

I hope you will be so good as to give me as soon as convenient, such information as may be obtained, and mention the fees that may be due, which I shall remit without delay. I am, &c.,

Respectfully,

J. B. C. L.

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St. Louis, Jan'y. 4th, 1817.

Jeremiah Morrow and Joseph Barnum,

Sirs:—Being informed that the claimants of land in the territory of Missouri are making great exertions to have a law passed this session for the confirmation of the residue of the unconfirmed claims. I beg leave to draw your attention upon that important subject. You have taken notice probably, that an act of Congress entitled "An Act for the Final Adjustment of Land Titles in the State of Louisiana and the Territory of Missouri", dated 12th of April, 1814, has departed from the fundamental principles governing all acts heretofore passed on that subject. The principle of those acts is that no concession or grant from or under the French or Spanish Governments have any legal effects against the United States unless they were made or issued prior to the date of the Treaty of St. Ildefonso, to-wit: the 1st day of October, 1800. The act before recited embraces and acknowledges any incomplete

French or Spanish concession which was granted before the tenth day of March, 1804, for lands lying within the territory of Missouri, provided each claim does not exceed one league square. This innovation covers all antidating and fraud. It operates as a wedge to introduce the residue of claims unconfirmed. It produces over-reaching effects; it impairs materially the right to the domain acquired from the French government by the U. S. in the same extent and such as it existed at the date of the treaty of St. Ildefonso, thus, sir, Congress under color of adjusting land titles in the state, &c., has given away public property not to the needy nor upon principles of equalization, nor even pursuant to the former policy of the Spanish government, who extended its bounty in land to persons professionally cultivators of the soil (Labradores) in quantities not exceeding 800 arpens, equal to about 1 mile square, but, to persons who generally are loaded with grants or confirmations by the former board of Commissioners; to persons who thought themselves to be above the profession which would have entitled them to land under the Spanish government. The act before alluded to is also over reaching inasmuch as its very title presents the idea of a general adjustment of titles whilst in reality it is a partial (Generally similar to letter written to Jonathan Roberts.)

(Conclusion.) Living, as I do, among a large number of those persons that are most deeply interested in those claims, I beg of you to consider these communications as confidential. Knowing your undeviating regard for the public welfare, I have thought that this information would be very acceptable.

Yours,

J. B. L.

St. Louis, 1st December, 1817.

Jeremiah Morrean,

Sir:—Permit me to inform you that greater efforts are going to be made this year than ever to obtain a general confirmation of the land claims under pretence or color of Spanish concessions or orders of surveys. Number of persons interested in that way have lately left the territory to spend, as I understand, the winter at Washington. Although I expect that each of them will urge for their respective claims, yet, no doubt, there will be amongst them a general understanding to assist each other. Gov. Clark is understood to be on his way there. I believe that among the claims he has some that remain unconfirmed. I am informed that he has taken charge of some belonging to his friends which, no doubt, he will endeavor to carry through. Probably he has some share or interest in it. John Scott, the delegate, has given in his electioneering hand bills the most explicit assurance that, if elected, he would support the land claims, which mean clearly the good and bad ones without exception, (Indeed I don't know of a just or equitable one), and to gain the more confidence he has declared he himself owns several of them. Referring myself to my former communications to you on this subject, I shall merely add that the extent of the evils arising from the acts of Congress of 1812, authorizing the filing and entering new claims in the office of recorder of land claims, and also arising from the act of 1814 under which so many claims have been confirmed are infinitely greater than at first I had conception of. That fraud has so far been successful to an alarming degree, and that the interest of the land claimants having been increased and strengthened by the success already obtained and the additional number

of interested persons arising from subdivisions of claims and associations of purchasers, the danger of their succeeding entirely becomes daily more imminent.

No doubt but every one of them will make great protestations of their love and attachment to the government of the U. S. Several of them possess engaging manners and may be called fine fellows. They love the republic tenderly. It is for that reason, probably, that they are so much in earnest about their claims, that the public thing be not only in their hearts but that a part of it may also fall in their pockets.

I have never been forgiven by the land for having withstood their coaxings and menaces and done them but justice whilst I was land commissioner. They appear to have always entertained a strong suspicion that my communications at the seat of government were unfavorable to them. At last they have imagined that to silence me the better this time, they should denounce me as a partial judge, and what not? I am informed that they are circulating now a petition against me. They seem to carry on their schemes very secretly. Before showing or presenting their petition they ask the persons if they are inimical to me and willing to subscribe anything. If they disclose any scruples, the matter is over, no petition is shown. I cannot think that they are in earnest. Their object is, in my opinion, limited only to put me on the defensive and render my standing at Washington equivocal, whilst they are intriguing and otherwise endeavoring to have their claims confirmed.

Respectfully, &c.,

J. B. C. L.

Letter to R. Moore, Dated Nov. 29, 1819.

Your favor of the 21st February, 1819, informing me of the failure of my claim for compensation was received. I intended to write to you sooner so that my letter should have reached Washington at the commencement of the present session, but a long and tedious illness has prevented me from accomplishing that object. I am even at this time but weak and unable to write myself.

Altho Mr. Scott has attempted to present himself to you in the character of a man candid enough to do me justice by saying that "Notwithstanding he and myself were not friendly, yet he freely confessed that I was a faithful officer and deserved the amount asked for", nevertheless I am fully satisfied that he was my secret opponent and would have sooner seen Penrose go uncompensated than to have seen me with him sharing the benefits of compensation.

The serious difference which he had with my late son Charles, his hectoring and blustering in the commencement of these differences; his shuffling and desertion of the high grounds he had taken, which has ended in his entire disgrace have so irritated his temper and excited his resentment, that he cannot forgive the father for having been worsted by the son, therefore I consider that this parade of candour and impartiality which he has made to you, was only in order to preserve your esteem and good disposition for another occasion, probably for his land claims and I have no doubt but that if he had believed you less friendly to me, he could have held quite another language.

I am confirmed in that opinion from his stating here, at his return last spring, to Mr. Penrose that he had lost his claim before Congress only from the circumstance

of his having been found in bad company, viz: John B. C. Lucas and by adding that a motion would have been made to strike out my name for the bill, had not the intending mover been anticipated by a motion for general postponement made from another quarter of the house. This is what has been stated to me by Mr. Penrose under the authority of Mr. Scott. I took the liberty to contradict the statement and show Mr. Penrose a part of my letter, whereby it appears that the motion for striking out my name was actually made, and that the house thought proper to retain me in the company of Mr. Penrose. So much for Mr. Scott's candour and veracity.

From the further conversation of Mr. Penrose at that time, and the circumstances that have occurred since, I am induced to believe that Mr. Scott has advised him not to connect his claim any longer with mine by petitioning with me, and I have no doubt but that a petition will be presented this session for Penrose alone. Then Mr. Scott will spare no pains to support Mr. Penrose's claim. Should he succeed, he and the land claimants will find a triumph in that indirect advantage over me, for it is beyond doubt that the granting a full compensation to one commissioner and denying it to the other, operates as a severe censure on the latter.

I, for my part feel disgusted so much at the unmerited treatment of last year, that I have no anxiety to petition again; nevertheless I should expect from my friends and particularly from you, sir, some exertion in case Mr. Penrose's claim should be reported favorably, in order to have my name introduced into the Report or Bill.

Without claiming a particular merit as a land commissioner I think that none of them had ever a better claim to a full compensation than myself; the proof of it

might be collected from the general tenor of the opinions or decisions of the commissioners contained in the general reports and in the special reports for lands containing lead mines and salt springs, and from the particular hatred and vindictive spirit of Mr. Scott as a land claimant, and the other Spanish land claimants generally.

Perhaps I might be supported in this assertion by Mr. Crawford if consulted. I have no doubt but that Mr. Galatin would if he was here. As a substitute and to enable you to satisfy yourself with as little trouble as possible upon that point, I beg leave to refer you to the decisions of the Board of Commissioners on Duberque's claim for upwards 140 thousand acres of land (and containing the most valuable lead mines of the Missouri Territory) as stated by Mr. Galatin in the 84 page of the appendix to the land laws, and his own report to the president of the U. S. as Secretary of the Treasury in the 85 page of the appendix to the same book, then you will see which of Mr. Penrose or me attended best on that important occasion to the interests of the U. S. From the 2d remark of Mr. Galatin upon the same decision in the 86 page of the appendix to the same book it will appear that he considered that this decision, viz: the ascertainment by a majority of the board of commissioners that Duberque's claim was predicated upon a patent or final grant, not only was erroneous, but he also unequivocally declared "that the form of the concession, if it shall be so called, is not that of a patent or final grant; and that it was not considered as such the commissioners knew, as they had previously received a list procured from the records at New Orleans and transmitted by the Secretary of the Treasury, of all patents issued under the French or

Spanish governments, in which this was not included, and which also shewed the distinction between concession and patent or final grant", thus Mr. Galatin unequivocally charges Mr. Penrose and Donaldson to have ascertained that a certain instrument of writing was a Patent or Final Grant, altho they knew it was not.

I beg of you most earnestly to bestow a few moments of your attention upon the 2 and 3 pages last referred to in a book called "The Land Laws" in the appendix, it will be an epitome of the respective merits of the commissioners of the board for land claims in the Missouri Territory.

I also beg of you to take notice that a law was passed subsequent to this decision (i. e. in the spring of 1807) whereby the president was authorized to form a new board of commissioners to revise and correct the decisions made by the preceding Board of which decisions that made in favor of Duberque was one. That Penrose and myself were members of the 2d board,—that when the claim of Duberque came in turn to be revised, he absolutely refused to give the opinion which by law he was required to do,—that the other commissioners did also refuse,—and myself alone, did comply with the requisite of the law by entering again my opinion upon the report upon the same claim,—thus the decision so much censured by Mr. Galatin and which he almost called iniquitous, run out untouched and unmissed, altho it may have been one of the leading causes of the passage of a law directing the revision and correction of the decision of the first board.

Should I be denied a full compensation, I shall feel myself justified in saying that it is a punishment inflicted thro the agency of the Spanish land claimants, for my fidelity to the interests of the U. S.



From circumstances which I cannot foresee, should you think it expedient for me to take any new step, be pleased to advise me thereof. It is generally understood that the land claimants are more confident of success this year than ever, owing probably to the subdivision of their interests among influential men. At the same time I cannot imagine Congress will depart from or abandon the principle of the bills reported at their last session which sends them to courts of justice, there to establish their claims by something more and better than fair tales in their mouths.

(Sig.) JNO. B. C. LUCAS.

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January 5th, 1820.

Robert Moore,

I understand that the Spanish land claimants in the Miss. Territory are attending Congress in an unusual number during the present session,—that they are accompanied by several persons from our part of the country in the capacity of agents. Among those of this last description, Thos. H. Benton the slayer of my son Chas. and L. Lawless his friend, whom he has usually in his employ as second in his duellings, are the most prominent. It is reported that Mr. Benton particularly is to have a considerable share in a great many of the claims (some say one-fourth) for his industry and influence. If he succeeds his fortune will be colossal and he will not fail to make his wealth subservient to his political aggrandizement, for he has an eye upon everything at once. His ambition is as unbounded as his cupidity and the moment that we become a state, the highest office in it will be the immediate object of his pursuit.

Altho he is much hated at St. Louis, he is still more feared and from this circumstance he bears the appearance of having some friends around him. At the same time, I am well satisfied that he is openly abhorred by the people who are not in immediate contact with him, and by the farmers in general. It would, indeed, be a public calamity if such a flagitious being should succeed in his pursuits of wealth and power.

Benton, as editor of a paper at St. Louis, has published in the course of the summer, various pieces in support of the Spanish claims and in vindication of the official conduct of the former Spanish commandant at St. Louis, which, altho he and the land claimants may think otherwise, contains neither truth nor argument. I find that the land claimants in general have so little confidence in the merits of their claims that several of the best informed among them have declared lately that altho they have waited these fifteen years for the confirmation of their claims, they would wait fifteen years more sooner than to have their claims sent to a court of justice for adjudication, and if I was myself a land claimant I should agree perfectly with them for I am fully convinced that they can not undergo a judicial scrutiny upon various essential points, therefore, provided Congress pursues the course pointed out by the two bills reported on the same subject last year, (i. e. abstain from legislating on their tales and send them to courts of justice, the only constitutional tribunal where their rights under the treaty ought to be ascertained) the interests of the U. S. will be safe and at the same time no plausible grounds of complaint can be urged by them. Indeed, their mouths must be shut.

No doubt they will lie on their oars and watch a favorable opportunity to call up the bill reported by

Mr. Robertson at the session before the last, for it is on that bill that they ground all their hopes. I have on a former occasion submitted to you my written observations on that bill. I need not to repeat them. Its dangerous tendency is sufficiently obvious.

Besides this formidable column of speculators in present attendance at Washington with the governor at their head, which had been formed so secretly that none understood that any of them had gone to Washington, there are some stragglers who are in pursuit of their interest at Washington on a smaller scale and who ought to be also not less closely watched. Permit me to bring one of them into your notice.

James Mackay, formerly a petty commandant under the Spanish government of a small post in the now Miss. Terry, has presented a petition to the House of Representatives at the session before the last and having supported it with an abundance of affidavits, has succeeded in making before Congress a fair case out of what I believe to be a foul one—in so much that a law has passed in his favor on the last day of that session, (most probably it could not have passed on any other day) by which he was enabled to have a claim which he never had before presented for record, referred to the Recorder of Land Titles to make report thereon, upon the same principles and in the same manner as if it had been entered on record before the passage of the act of Congress of the 12th of April, 1814, concerning land in the state of Louisiana and territory of Missouri.

I am informed that a report in pursuance of that law has been made and was before Congress at the last session, but was not acted upon. This disappointment, far from discouraging Mackay, seems to have created a new excitement in him. I am credibly informed that he

has dispatched Lawless, his former agent, to Washington, to have another petition presented during the present session for another claim to land, which is precisely in the same predicament as the preceding one, i. e., that it never was recorded in the office of the recorder of land titles. The two tracts thus claimed are contiguous to each other, within 5 or 6 miles from St. Louis. It is thought that the first tract claimed is worth about 25000 dollars. Probably the second is not worth less.

I give it as my decided opinion that the claims of Mackay ought not to be confirmed. 1st, because none but claims entered on record at the time of the passage of the act of 1814 are within the purview of the same act. (For the sequel, see 3d page following.)

2d, because the same act having abandoned the leading principles which govern and secure the right of the U. S. to the former Spanish Royal Domain in Louisiana, ought not to be cherished and extended beyond the act itself.

3d, Because the concession of Lena Trudeau for the first tract claimed, and Carlos Dehault Delasus for the second, both formerly Spanish commandants at St. Louis, I say because the two concessions are not duly registered on a Spanish Registry and that there is no check against antedating, forging or any other speciousness.

4th, because the survey being made in 1803 in the fall, or 1804 in the spring by a surveyor reputed acting under the Spanish government, the same government could not at that time duly authorize a surveyor in as much as it had 3 years before parted with the right of domain and that right was at that time either in the government of U. S. or in the government of France.

5th, beside the survey was not made by a duly authorized surveyor, nor in the meaning and intent of the Spanish government as appears by an official letter of the intendant, dated in 1802 informing the applicants in this part of the province that the land office was shut for want of an assessor, and there is no evidence that it was ever opened again.

6th, because the land claimed was not inhabited and cultivated at any time, and without cultivation the grant wanted a consideration,—cultivation being a condition precedential in the Spanish law.

7th, because the book or reputed book of survey, kept under the Spanish government offers strong evidence of fraud, especially in the latter times, the plats contained in the same having been in several instances, altered, whole pages having been cut out and others glued in their place.

8th, and lastly, because the Spanish surveyor, if such an one existed (legally) from the moment it became notorious that the cession of the Louisiana had been made by France to the U. S. ceased to be responsible to his sovereign for his acts concerning public land without becoming responsible to the U. S. and in reality there was no connection between the two governments, as the U. S. had received the province from the French government the taking possession of New Orleans being in principle taking possession of the whole province.

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January 15th, 1820.

Robt. Moore,

(An abstract of the above letter to Mr. Lowndes, with this addition, viz: You will oblige me much if you can

make it convenient to send me the bills or any documents relative to the land claims or other local concerns.)

JNO. B. C. LUCAS.

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St. Louis, December 1st, 1820.

Robt. Moore,

(Invite him to write to me soon; to alarm his friends, watch Benton; see the President and ascertain what are my prospects for appointment of judge.

Respectfully,

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St. Louis, Jany. 18, 1821.

Robt. Moore,

Dear Sir:—My expectations of being able to go to Washington this winter have long since vanished. Very little time after my letter to you of the 27th October, I caught a cold which partly for want of due care, has become violent and most obstinate. I am at this moment weak and reduced. I had the pleasure to write to you a short letter on the 1st of December last. I have not as yet received any from you, however I hope that you will not leave Washington without favoring me with a few lines. We are, as yet, ignorant here of the fate which the resolution of the Senate with a reserve for the admission of the state of Missouri has met with in the House of Representatives. Be it what it may, certain it is that the question is merely political, and when any civil question will come before a court of justice under that part of the Constitution thus protested against, the reserve or exception if it would take place in both houses never would be taken notice of, thus this reserve is a mere ceremony without any sub-

stance and of course cannot cure or atone for the alleged repugnancy. General Leacock, having reached the extreme point in exploring the ground between Wheeling and the Mississippi, crossed the river few weeks past. I had the pleasure of having him one night at my house. I could not persuade him to stay any longer. He was afraid to be detained longer than he would wish from the increase of the drift ice in the Mississippi.

The recent refusal by the House of Representatives to admit us in the union, has given rise to a free expression of sentiments here. Many would be willing to return under a territorial government; others are desirous to have the constitution amended in its objectionable parts in order to be admitted into the Union as soon as possible, and in the mean time preserve all friendly relations with the U. S. so that they may protect their territory, property and other rights in the state of Missouri in the same manner as they did from the time the people of Missouri have first exercised the sovereign powers as state until they presented their constitution to Congress for admission. I am in favor of the course last pointed, and I believe a majority also.

We have a set of choice spirits who are openly in favor of setting general government at defiance by having the constitution unamended and exercising the powers of a state although non-admitted, until Congress will reconsider their vote and admit us. Senator Barton and many others high in office are for taking that high ground.

A change in the public opinion is sensibly taking place. Those that were the leading members of the convention are losing ground. The constitution has not met with public approbation. I was pretty evinced

by the proposal made in both houses of the general assembly of a great number of amendments which were supported by a majority of two-thirds of both houses, but at last they were baffled by a well drilled minority who succeeded in persuading a number of those in favor of the amendment that two-thirds of the members present did not form the constitutional number to propose amendments, but two-thirds of all the members elected were necessary. The constitution of Missouri is on that point perfectly similar to that of the U. S.

From this circumstance you may guess what kind of men compose our legislature.

Respectfully yours, &c.,

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St. Louis, February 10th, 1821.

Robt. Moore,

My dear sir:—Your favor of the 28th of December was received a few hours after I had put at the office my letter to you of January 18th. Judging that Mr. Penrose felt as much disgust as I did at the repeated—for the full compensation which we had met with in the Congress, I had not the least idea that he would make a new application; if I had I think I should have requested you not to interfere for me, but as it is I cannot but give you my most sincere thanks. I heard yesterday somebody say that he had seen in the papers a report in favor of our claims. After so many vain trials, I have now very little hope of success, and I hate nothing more than to be considered as being importunate and wanting a due share of pride. I hardly think the senators elect of Missouri and representatives



will dare to oppose my claim particularly on account of Penrose who is in the greatest distress.

I hope this letter will reach you before you leave the city.

Could you believe that senator Benton is so ostentatious and windy as to have taken four horses and two waiters with him for his journey from St. Louis to Washington. At the same time the house he lives in, the only one he has, is mortgaged for \$2,000, and one week after he left St. Louis, several notes of his were protested at the bank.

A general discontent prevails against the makers of the state constitution. It is loudly expressed. If the amended resolution of the Senate is not adopted in the House of Representatives, the state will be obliged to call another convention in which case it is most probable that the constitution will be materially changed, as characters of a way of thinking quite different from those that composed the first convention will most probably be elected.

Respectfully yours,

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St. Louis, Feby. 5, 1825.

Robt. Moore.

Dear Sir:—Although I had no intercourse with you this great while, I have nevertheless thought and made enquiries about you as often as I could meet an opportunity. The zeal which to my own knowledge you have evinced for the public service. The reliance which I am persuaded you have placed in my communications and the earnest endeavors you have used to procure me an adequate compensation as Land Commissioner though without success, entitles you to my perfect respect and

gratitude. I presume you have lost sight **and perhaps** the recollection of the great struggle of the French and Spanish land claimants to obtain surreptitiously the passage of a law apparently innocent and harmless but overreaching and materially injurious in its consequences to the interest of the U. S. I have not been less remiss since you ceased to be in Cong. than before, in endeavors to alarm and guard several members of Congress from the wiles of the land claimants. You have probably noticed that an act was past at the last session of Cong. by which they are brought to the sad necessity of instituting suits before the District Court of the U. S. for Missouri to try the validity of their claims or be barred in case they should not commence suit within two years. I hope you will remember that this is precisely what I wished from the beginning and suggested ought to be done, and also that the claimants had an insuperable objection to such a course. At last they have been brought to the bull ring.

I was requested at the 1st session of the court under that act by the District Judge and District Attorney to take part in argument upon demurrer in one of the leading cases and spoke on that occasion during one day and a half. This circumstance has opened anew the old sore. The claimants labor under a new paroxysm of wrath against me.

Yours, &c.,

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St. Louis, Feby. 10th, 1817.

Robt. Patterson,

Sir:—I have received information by letter dated Collector's Office, Port of Philadelphia, 24th of December last, that I was to receive one box Laws of the United States, consigned to Robt. Patterson, Pittsburgh. You

will oblige me in sending the same to me at St. Louis. Should you be in want of opportunities to that place, probably Messrs. Beeten and Bester will enable you to find me. Perhaps you might hear of Charles Lucas being in Pittsburgh. If you find him there you will be pleased to deliver him the box and give him the bill of your charges. Sir, I am,

Respectfully yours,

J. B. C. L.

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Chas. Penrose,

(Letter to, in answer to his of the 28th October, 1819, stating that I was sick and unable to write and obliged to get Wm. to do it for me. Apologizing for not answering it sooner, &c., &c.,

(Sig.) WM. LUCAS.

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St. Louis, 19th, 1818.

Joseph Pentecost,

Sir:—After I had the pleasure of seeing you at the city of Washington, last March, my son James whom you saw there wrote to me from Litchfield where I had allowed him to stop a few days with his brother Wm. who is there reading laws, to permit him not to go further and study at an academy in the neighborhood of Litchfield. His brother united with him in the request and I consented, but his brother, that place, is in a short time to return to St. Louis, and from other considerations I have been induced to send him to Salisbury Academy, as on your advice I first intended to do. I have received from him a week or two since, informing that he is now at that place and had the pleasure to form an acquaintance with your son.

Being under some apprehension that my son James might not make the best use of his time, and thereby miss the opportunity of receiving a complete classic education, and much preferring that he should be a good mechanic or anything else than a bad scholar, I therefore beg leave to request you to take the trouble to ascertain by your son or other persons whom you may know there what is the general conduct of James; whether he is studious; what progress he makes; what class he is in; how long it is probable he will have to stay at the academy before he be admitted in a College? Your son or any person else may be assured that James never shall know from whom I may receive information concerning him. I know he will be very apt to gain the affection of your son. From this circumstance your son may not be inclined to state his faults in the full extent. If you have no other person than your son to obtain the information requested, perhaps it would be better to make the inquiries carelessly and indirectly so as not to let room for suspicion that you are requested to do by me.

If you are acquainted with any person at Salisbury will you be so good as to give me their name and mention mine to them.

I hope, sir, you will favor me with answer as soon as convenient, I am,

Respectfully yours,

J. B. C. L.

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\$300.

\$300.

Joseph Philipson,

Sir:—At three days sight of this first exchange, the second of the same tenor not being paid to Joseph Philipson or order the sum of three hundred dollars for

value received, which is due to me for one quarter of my salaries as one of the judges of the superior court of the territory of Missouri, the said quarter commencing on the 1st day of October last past and ending on the last day of December last past, St. Louis, March the tenth, 1817.

J. B. C. L.

The Honorable Secretary of the United States.

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July 27, 1823.

Justus Post,

In answer to letter 20th of July, 1823, I state that I am not competent to judge of propriety of his applying for the office of Surveyor General. He knows best the weight and influence of his friends.

I entertain no doubts of his qualifications, and will do what little I can for him, &c.

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January 1st, 1819.

B. Pratt,

Sir:—Altho the copy of the letter of Ritcherd Smith, the Cashier of the Branch U. S. Bank at Washington in answer to that of Mr. Croford concerning certain part of my salaries as a Judge together with a copy of my own letter to the same R. Smith which is here enclosed, might give you some idea of the explanation which I request you to ask of R. Smith. Nevertheless, in order to assist your recollection on the particular enquiry which is to be made, I shall briefly state to you that having never received but two drafts for 300 dollars each on the Bank of Missouri for my salaries due as a judge from the 1st of Oct., 1818, until the present time, (viz: one draft dated ..... and another dated.....) indubit-

ability the quarters due on the 1st day of January, 1819, 21st of April, 1819, remain unpaid. For the amount of the first of these two I am well satisfied I am credited at the Bank U. S. and it is from the persuasion that I have the other day given you my draft on the Bank U. S. for 300 dollars.

It remains now to be ascertained whether the quarter due on the 1st of April has been also credited to me at the Bank U. S. and in case that the draft which I now deliver you for three hundred dollars on the cashier of the Bank U. S. will enable you to receive it. The uncertainty which I am placed in on that point induces me to deliver you this draft with the view only to enable you to receive that sum if there credited to me. Therefore, my understanding is that you will not negotiate that draft nor have any protest made, but will simply return it to me. As R. Smith has mentioned in his letter that he has sent me three drafts, and yet has only mentioned the date of two since the 1st of Oct., if upon a closer examination on his part he should still reassert that he has sent me three, you will oblige me by asking him the date of the one he has omitted, and ascertain at the same time, in the treasurer's office, how many quarters have been paid to my attorney for my salaries due since the 1st of Oct., 1818, together with their several dates.

Having received but two drafts on the Missouri Bank, as I said before, one must have been lost or miscarried long ago as I presume it is dated in the beginning of April, and in this case, whilst you are there, I wish you would make a declaration in my name, that I have never received but two dated as above, and that the one lost may be made good to me by some means.

(Sig.) JNO. B. C. LUCAS.

Jany. 1st, 1820.

J. Randolph,

Sir:—So many gentlemen of my acquaintance are retiring or have retired from the national councils either by choice, infirmities, or death, that I feel a double pleasure in finding that you have resumed a seat in the House of Representatives. Your long parliamentary experience has no doubt long ago enabled you to notice that whilst one or two of the most prominent subjects of legislature at every session seems to engage the attention of every member of congress so much so that the speakers on those occasions stand as it were, in the way of each other, and the debates become almost endless. There are other subjects by no means unimportant altho perhaps less entertaining or less attracting the public attention, which are little or not at all understood by a great many and whose fate often depends upon such report as the committee to whom the subject is referred may think proper to make.

From the intimate knowledge which, as a former land commissioner of the Terry, of Missouri, I have obtained of the Spanish claims to land in the former Province of Louisiana, the laws and usages under which the Spanish government distributed to their colonists, I am pretty well satisfied that great errors have been committed in legislation which have produced the most ruinous consequences to the U. S. and enable, at present, the Spanish land claimants to argue in favor of that part of their claims which remain unconfirmed and not, indeed, from the intrinsic merits of them, for they possess none, neither in law or equity but from the aberrations from principle or improper concessions contained in the act of Congress of the 12 of April, 1814, which they don't fail to urge as a principle and which

affords them the opportunity to argue a *pori* with some speciousness.

Knowing perfectly that you are induced to serve your country from much higher motives than the mere display or show of usefulness, I beg leave to lay before some particulars in order that you may be the better enabled to meet those Spanish claimants in the course of the present session. If we are to judge from the number of persons interested in these claims that have left St. Louis to attend the present Congress, we would be induced to believe that they are more sanguine of success than they have been before. Probably the subdivisions which they have made of late date by sale of their largest claims amongst influential men of the West is what makes them so confident.

In turning to the files of the House of Representatives you will find that there is two or three bills reported concerning those claims, which have not been finally acted upon. The first of them was reported during the session before the last. I was then at Washington. The house was timely alarmed. The bill whose consequences would have been ruinous to the U. S. was seen under its proper colors. Its few friends became so sensible of the fate that awaited it, that they adopted a most extraordinary course by moving the reference of the whole subject-matter of the bill to the Secy. of the Treasury. This happened near the close of the session.

In pursuance of that reference I am informed that the Secy. made a report during the last session of a bill whose governing principle is that the Spanish land claimants, under some regulations should be sent to courts of justice and stand there on a level with the U. S. on the score of these claims. I am likewise in-



formed that the committee on public lands also reported a bill pursuing the same principles. The land claimants, except a very few whose claims are for lead mines or salt springs, which are contained in a special report, knowing, perfectly, that these claims cannot bear judicial scrutiny have used their best endeavors to keep back those bills, and I am credibly informed that they dread so much to have their rights ascertained, under the treaty with France, before a constitutional tribunal that some of the best informed amongst them have declared that altho their present claims have remained for fifteen years undecided, they would be willing to wait fifteen years longer, sooner than to have their claims sent to a court of justice. Thus there is no doubt with me but that they will lie on their oars and never will press their bill upon the house, but when the alarm will have subsided or when they will find the house so thin and so composed as to afford them fair hopes of carrying thro their first bill, I don't know by what means remains, as I am informed, amongst the unfinished business. In order to convince you of the dangerous ground which the U. S. are placed upon by the act of the 12 of April, 1814, I shall submit to you a few remarks upon that act and the manner in which it has been made to operate in the Territory of Missouri, and also upon the bill which has been reported at the session before the last, whose object is to extend the provisions of the act of 1814 to all the claims unconfirmed and of course not embraced by the said act, and to open the office of the recorder of land titles for the outery of new claims. That is the favorite bill of the land claimants and their best hopes.

In turning to the first act of legislature on the subject of the adjustment of land claims in the former

Province of Louisiana of the 2d March, 1805, you will perceive in the first section of the same a minute detail of the various requisites warrant or order of survey by the proper officer under the authorities respectively of the French and Spanish governments to have a legal effect. This section, cautious and particular as it is, does not require from any land claimants more than the French or Spanish laws and usages did. The Board of Commissioners, (of which I was one) that acted under the law measuring the claims by the legal requisites, found generally the claims running far short of those requisites. They met with unexpected difficulties—the loud complaints of the land claimants and the apparent excitement of their feelings on the occasion of certain decisions, induced the Board to inform the Secy. of the Treasury of the state of things. This information was probably the cause of another act on the same subject of the third of March, 1807, which by its first section repeals one of the requisites to the warrants or orders of survey, and by the 2nd section grants to any land claimant a tract of land not exceeding 2000 acres on the mere possession of ten consecutive years, excepting, however, from the effect of that provision any land containing lead mines or salt springs, and to obviate any further complaint about the requisites contained in the preceding act so far as they relate to claims not exceeding a league square, the commissioners are authorized by the 4th section of the same act to decide on the claims in the Territories of Orleans and Louisiana, according to the French and Spanish laws, usages and customs, any tract of land not exceeding the quantity contained in a league square. The 8th section of the same act provides that the commissioners shall respectively report to the Secy. of the Treasury,

their opinions on all claims to land in their respective districts, which they shall not have finally confirmed under the authority of the fourth section of this act. Many claims were finally confirmed under the 4th section. I don't recollect the number, it may be ascertained at the general land office. The claims reported by the commissioners to the Secy. of the Treasury under the 8th section, were, I believe, not less than 2000. They formed but one class, altho the same section provides for three classes, because they were all of the same description and did not come up to what might be supposed was the expectations of the legislature were, whereby the 8th section it was required that they should be put under three general classes.

Turning again to the several acts since passed on the same subject, viz: 10th March, 1812; 14th April, 1812; June 13th, 1812; February 27th, 1813; 3d March, 1813 and 2nd August, 1813, it will be seen that the first October, 1800 (the date of the treaty of St. Ildefonso) had never ceased to be the express turn of the power of Spain to dispose or alienate any part of the royal domain in the Province of Louisiana. This principle clearly established by the treaty had remained whole and safe from the beginning of the legislation of Congress (viz: 2d March, 1805) until the 2d of August, 1819, inclusively, when by the act of the 12th of April, 1814, entitled "An Act for the Final Adjustment of Land Titles in the State of Louisiana and Territory of Missouri". Congress has made the most dangerous inroads on the vital rights of the U. S. in the former Spanish Royal Domains. By the above mentioned act the pretensions or power of the officers of the French or Spanish Governments of granting or giving away the royal domain after the 1st of October 1800 (the date of the

Treaty of St. Ildephonso) and especially in the Missouri Territory until the 10th day of March, 1804, has been acknowledged so that the pretended grants of land made by the Spanish commandants at St. Louis in quantities not exceeding a league square for and during more than three years after Spain had parted with the right of domain have become obligatory on the U. S. This prostration of principle has been caused to such an extravagant degree as to legalize in the Territory of Missouri the grants made by the Spanish commandant during three months after the U. S. had taken formal possession of the Province of Louisiana, altho his sovereign had ceased in right and fact to exercise any power or jurisdiction in the province, and he the commandant was under no kind of responsibility, then, neither to his sovereign nor to the U. S. Let it be remarked that the Spanish land office for the Province of Louisiana had been closed several years before. That the power of granting land had by a royal ordinance made at St. Lorenzo in 1798 been taken from the government and transferred to the intendant as fiscal concerns, and that the intendant (man Ventura Morales) had by his regulations published in July, 1797, expressly retained the exclusive power of distributing or granting land and had only vested in the commandants of posts the power or duty to state on the margins of the petitions of the colonists for grants of land, these circumstances, such as the number of their family, whether they were tillers of the soil (Labradores) and possessed the other requisites specified in the regulations. I have always thought that the construction put upon that act by the recorder of land titles for the territory of Missouri was not correct, at the same time let it not be supposed that I impeach his uprightness.

I have always viewed him as an honest man. Suffice it to say that the report of his opinions in favor of the claims, which he has deemed to be embraced by the same act, has been confirmed in lots by an act of Congress of the 29 of April, 1816, and thereby the right to great deal of the most valuable lands is finally parted with in favor of persons who were already loaded with previous grants or confirmations to a considerable amount and in favor of others who by the Spanish laws and usages were not at any time entitled to any confirmation or grant.

I am so exhausted by a former sickness and a relapse that I am constrained to continue this letter by the assistance of one of my sons. Their dangerous agrandizement and increase of wealth has also increased their pretensions. Now their avowed object is to have these aberrations or prostrations of principle of the act of 1814 extended to all other claims remaining unconfirmed.

Admitting for a moment that the Spanish authorities could have issued warrants or orders of survey after the date of the treaty of St. Ildefonso, it would be necessary that they should have issued by the proper authority, and the Spanish commandant at St. Louis had ceased to be the proper officer by the ordinance of St. Lorenzo. It would also be necessary that the other requisites of the Spanish laws and usages should be complied with. As the highest evidence that C. D. Delaras who was the Spanish Commandant at St. Louis from 1799 until the U. S. took possession of Louisiana, knew himself that he had not the right to grant land, I state that I had the perusal of two documents under his own handwriting dated some time in Oct., 1800, which were in answer to applications to him for grants

of land, to the following purport: "It is now out of my power to issue concessions or orders of survey, this power belonging exclusively to the intendant. The most I can do for you is to make the most favorable statement of facts in my power, concerning your qualifications to receive a grant."

This is, however, the office where concessions (of a date subsequent to these documents) for leagues square have since been reported favorably by the recorder of land titles and confirmed by Congress. This is, indeed, the officer whose unconfirmed conceptions are laid up in store in the hands of his former favorites and friends, waiting for the opening of the office of the recorder of land titles for entry.

Notwithstanding the abundance of matter, I shall conclude having already too much fatigued your attention. At the same time I purpose to present to you, soon, another view of the subject that you may be satisfied by a multiplicity of means that the boisterous land claimants of, at least, Missouri Territory are far from standing on a par as to speciousness or appearance of legality of claim, with the former Yazoo land claimants, altho they are certainly not behind them in fraud and corruption. There was a time when the original Spanish land claimants, who are certainly far inferior in point of management and intrigue to our own American speculators, had been put out of conceit of their colossal claims by the powers of the Americans in general who lived at St. Louis, but having called in, with others, several of those same Americans to show with these upon terms which fully indicated their despair—their hopes are revived and not a few of our Americans have resented and now praise more loudly than anybody else, the claims which they once declared to be iniquitous.

Having as a land commissioner been perhaps the least favorable to land claimants, of course, I have become the most odious. This odium has increased from the disappointment of the greater part of the claimants who are of a French origin, and who, of course, expected more kindness from me than from the other commissioners. Many of these good people have acted honorably amongst themselves, but perhaps never honestly with their sovereign. They cannot reconcile with the idea that, with me, the interests of the U. S. should not give way to theirs.

You will see at Washington, this winter, several Americans who have become interested in the Spanish land claims. I am not less obnoxious to them than to the French. They suspect me to be active against them at Washington. Mr. Scott, the delegate of the territory is one of them and his community of interest with the Spanish land claimants has been a recommendation to him for the situation he now fills. Of course he is extremely hostile to me.

Without being willing to deviate from the independent course I have taken with respect to them all, nevertheless I don't wish to give them new grounds of complaint. I therefore request of you, sir, to make such use of my communication as you may think best, without mentioning my name.

Of one thing you must certainly be satisfied, that if I have not received a bribe from the U. S. my hands must be clean and my motives pure.

As a specimen of the course I have taken, as a commissioner, I beg leave to refer you to the report of Mr. Galatin to the President of the U. S. on Duberque's claim, which is contained in the 84th, 85th and 86th

pages of the appendix to the Land Laws, a book digested by Mr. Galatin.

I have the honor to be, &c.,

(Sig.)

JNO. B. C. LUCAS.

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February 4th, 1820.

John Randolph,

(This letter is the substance of that part of the letter to P. B. Barbour of the 15th of February, 1820, commencing with these words, viz: "The act of the 12th of April, 1814, is the prototype of their favorite bill, reported February 10th, 1818, with this additional evil, &c." and ending with these words, viz: "but in truth it is nothing but a great superstructure without a basis".

JNO. B. C. L.

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St. Louis, Jany. 4th, 1824.

Hon. John Randolph,

Sir:—Being persuaded that you will receive with pleasure any information that may come to you upon public subjects, permit me to observe that the people of Missouri, having experienced particularly for these twelve years past, the great inconvenience resulting from the considerable number of the French and Spanish land claims within the bounds of that state which remain undecided and are in a wild and uncultivated state, forming from their extent great chasms in several counties which might be very dangerous in case of hostilities with Indians, and are at all times a great obstacle to communication and intercourse, the legislature of the same state presented a memorial to the Senate and House of Representatives of the U. S. some time during the last session of congress stating their



grievances on that subject and praying that competent tribunals be constituted to decide definitely those unsettled claims, so that the lands belonging to the U. S. and those belonging to individuals may be known and set apart. It appears that this memorial was presented to the Senate and was referred to the committee on public lands in consequence of which a bill was reported, the introductory part of which reads as follows:

Mr. Benton from the committee on public lands to which was referred the memorial of the legislature of Missouri on the subject reported the following bill. This bill was reported on Feby, 19th, 1823, and has passed through the Senate with a small amendment. It stands among the unfinished business of the house of representatives. In turning to that bill you will perceive that it is discrepant from the memorial. This one prays for a definitive decision; that one authorizes the recorder of land titles, etc., to give opinions and report the same to Cong. There is already a report made by three commissioners of the written and oral evidence which has been adduced in support of those claims, together with the opinions of the commissioners upon the same. Those opinions are, with very few exceptions, that those claims ought not to be confirmed and the principle of reference to the recorder is nothing more than a repetition of what has already been done. With this additional inconvenience and danger that in the last bill all is devolved upon one man; that no agent is to be appointed on the part of the U. S. to cross-examine the witnesses or meet the arguments of the claimants.

The report of the three commissioners is lodged in the general land office and in my humble opinion ought not

to go for less than to inform the consciences of the members of Congress so as to induce them to refer those claims to the judiciary, and, indeed, it will be found that a bill adopting that principle has passed the Senate during the session before the last. This bill is now on the files of the house of representatives with another one containing the same principle which has originated in the house of representatives and has not been called up. From these it will be seen that if Mr. Benton had paid any regard to the memorial of the legislature of Missouri and wished to act consistently with the principle adopted by the senate the year before on the same subject, he would have reported to the Senate that a bill embracing the object of the petition had passed the Senate and was before the house of representatives. He would have stated that a similar bill had originated the year before in the house of representatives. In fact, the representative from Missouri must certainly have received a similar memorial from the Legislature and it unaccountable to me how he has left these two bills uncalled for. It is to be lamented that Messrs. Benton and Scott evidently attend to the interest of the Spanish land claimants in opposition to that of the U. S. and of the people of Missouri. The land claimants and their agent dread nothing more than a fair trial of the Spanish claims before a judicial tribunal. They would sooner hang their claims for thirty years more and hover during that time about the capital in expectation to obtain at some unguarded moments the passage of an act suitable to their purpose. Let me remember you that they are already loaded with the munificence of Congress, particularly under the act of the 12th of April, 1814, entitled "An Act for the Final Adjustment of Land Claims". There was

nothing final in that act but the words of the title. The confidence and influence of the land claimants have increased with their success. They will pursue with fresh vigor during this session, their favorite object. They will urge that there cannot be any inconvenience in the reference, in as much as Congress may or may not confirm the opinions of the recorder.

From the past, Congress may be considered to be a mere nominal check. Nothing in my opinion can save the U. S. from the grasp of the land claimants but a prompt passage of an act, referring their claims to the judiciary with all the points of laws arising under them. Even this question, viz: how long the Spanish government had the power to dispose of the royal domains? Who were the proper officers to whom the power was confided? For any interpretation by Congress will be resisted by the land claimants unless it makes for them.

Yours,

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Jany. 16th, 1821.

Elias Rector.

(Letter to, enclosing copy of letter of Taylor Berry to Josiah Meigs, Commissioner of Land Office, informing that I have written to Meigs on same subject, and will add further remarks.)

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St. Louis, Feby. 10th, 1824.

Benjamin H. Reeves.

Sir:—No doubt you know that Messrs. G. B. Strother and Robt. Nash have been announced as candidates for Cong. From all I can discover near and about St. Louis, many persons object to both of them, hence there is ample room for another. I have also received information that the state of opinion is much the same in

the counties south of St. Louis. Indeed I had very encouraging offers of support if I should assent to be added to the list of candidates.

We have had here an address to the electors of Missouri published in the Missouri Republican of the 19th ultimo which has made a considerable sensation. It appears that it has contributed to make the electors of this part of the country more anxious to have a greater choice of characters for Cong. than they have now.

I am not solicitous to be a candidate. Far from it, but I coincide perfectly with the farmer of the county of St. Louis that it is high time for the farmers and all others not belonging to the profession of the law to claim a standing and influence in the concerns of the union and state corresponding to their number, respectability and usefulness, and to be represented more truly and substantially than they have been heretofore. From the opportunity, though small, which I had to form an opinion of you, and the standing which I am told you enjoy, more particularly in Howard and the adjacent counties, I have thought that not only you would be a proper person to be a candidate on the score of fitness, but also on that of personal popularity.

I must tell you that this idea has originated with me, but I find that the public wish is that a respectable planter or farmer may offer, and I have thought of no one that could be more acceptable than you. I have mentioned your name to a few persons, they think as I do. You know better than me how far your neighbors and the electors in your part of the country have taken engagements in favor of the candidates that are now out, and what the degree of popularity be of your success with them.

I beg of you to inform me of your determinations not later than the 15th or 20th of March. Without prepossession from the existing disposition of the electors in St. Charles County, Callaway, Montgomery and south of the Missouri as far up it as Franklin County and down the Mississippi as far as New Madrid, I am persuaded that the prospects are fair. Remember that my motives are pure and that I don't demand nor expect any favor from you in return for the exertions which I shall certainly make if you become a candidate. I am,  
Respectfully, &c.,

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December 12, 1819.

John Rhea,

So many of my friends are moving or have moved from the political scene of action, either by choice, infirmities or death, that I feel a double pleasure in finding that you still continue to be a representative in Congress. The great concern which the non ratification of the treaty with Spain will bring before Congress will probably engross so much of their attention as to afford a new hope or encouragement to the Spanish land claimants to renew their efforts and intrigues in order to obtain by deception some act perhaps not less destructive of the best interests of the U. S. than the one which was passed on the 12th of April, 1814. It is generally reported (whether they are in earnest or not) that they are sanguine, or at least, boast that they have before them the fairest prospects of success at this present session of Congress.

I might present to you under a new aspect the inequity of their claims and also their total want of speciousness or color of legality, but I will not fatigue

you. I merely beg leave to refer you to my former communications on that subject.

I know that they place a great reliance on the possibility of finding at one time or another the House of Representatives so thin and unguarded by the casual absence of the members best informed on the score of their claims and most decidedly opposed to them, to take every advantage of the circumstance.

I also believe that they don't rely less upon their intrigues, importunity and the increase of their interest, by having retailed out in parcels to influentials in different parts of the union, by sale or otherwise, their specimens and colossal claims.

Thus, in order to encourage persons to become purchasers of part of their claims, I discover that they never speak of the legality or merits of them, but assert prophetically that they will be ultimately confirmed. This word ultimately means nothing else but thro the dint of importunity and other means familiar to them,—such as to press their bill on the house when thin and unprepared, or keeping it back when the house is ready and prepared to meet it. They may spin out the time to the best advantage to themselves.

I understand that last year a bill was reported by the committee on public lands containing the best and safest principles, such as ought to have been adopted long before now with respect to the Spanish land claims, i. e., that (by the bill) the Spanish land claimants are sent to courts of justice for the investigation and ascertainment of their respective merits of their claims, the U. S. being thus brot on a level (as parties) with the Spanish land claimants before a court of justice, these claimants will be forever precluded from having it in their power in case of failure before the courts of

justice to urge any cause specious or well grounded, as they have heretofore done, of undue delay or denial of justice. It is indeed the only constitutional way of satisfying or putting an end to these claims agreeably the guarantee of their rights under the treaty between the U. S. and France,—for the U. S. being the party upon whom the claim is made, they have not the power by legislation to put an end to these claims, but only the power to give away, which has already been a great deal too much exercised to the amount of millions of dollars, in quantities quite repugnant to the ordinary distribution of land under the colouring system of Spain, which was purely agrarian. It is also worthy of observation that the claims remaining unconfirmed embrace vast tracts of the most valuable land in the territory,—that great many families coming under the description of actual settlers now protected by the prescription law, have located themselves upon those lands, and that Congress is now under at least a normal obligation not to grant with levity and without good cause, those lands under the colour of Spanish claims when such a course would go to render negatory the imperfect rights of these settlers entitled to prescription and place in a desperate situation and dangerous to the country a great number of meritorious persons, willing to pay at the rate of two dollars per acre, the land which the Spanish claimants want to have for nothing. I think, for my part, that the only efficient way to prevent the land claimants from reaping a substantial advantage from their cant word ultimately, the most active friends of the U. S. in the house, and most active opponents of these claims, ought to press and urge for the passage of the bill which is to send

them to courts of justice. Let the land claimants be never so desirous to temporize.

(Sig.) JNO. B. C. LUCAS.

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St. Louis, Fy. 5. 1825.

James Riddle,

Dear Sir:—I had the pleasure of hearing of you occasionally since I saw you last. My son Adrian informed me that he had received from you the most polite attention when he was on his way from Boston to St. Louis. For this I feel myself much obliged to you, and I wish I may have the opportunity to return the same kindness to any of your family that may chance to visit St. Louis.

Had it not been for private business which have until now required from me a constant attendance I should have made before now another tour in the Atlantic states.

I expect, however, to be able to accomplish that object in the course of the next summer. I shall feel a particular pleasure in seeing my old friends and acquaintances at and about Pittsburgh. You will have the goodness to give my best compliments to Mrs. Riddle and all enquiring friends.

Respectfully, &c.,

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January 11th, 1826.

Judge James Riddle,

(Letter to, speaking of argument contained in Pamphlet in Soulard's case. Sacrifices I have made. Difficulties. Never swerve. Better to lose popularity than abandon principles. Request him to engage good



farmers and laborers if he can find any, to come to St. Louis. I shall save expense tavern. Give them good. Have three farms. The people here lazy, dissipated, careless. If he can procure hands, they ought to come not later than commencement April. I request him to give me information.)

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January 1st, 1820.

Johnathan Roberts,

(Same as to Robt. Moore of 5th of January, 1820.)

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Oct. 20th, 1820.

Jonathan Roberts,

Your favor of the 29th of February was received, likewise another since, which was handed to me by Col. Strother. I requested the editor of the Missouri Gazette to send you his paper during and since the Missouri convention was setting. Of course I suppose that there is not much use for me to say great yield on our local concerns.

You have seen probably that I was candidate for the convention. I did not succeed because being requested to declare my sentiments on the subject of slavery, I expressed an opinion that it would be proper to limit the importation of slaves to five years or so from the date of the Constitution. The ardent friends of slavery suspected me besides to be hostile to the principle of slavery altogether and contended that I dared not to go the whole length of my opinion being against that of the public. As I reside in the county of St. Louis, where the Spanish land claimants have the most influence, I had to encounter their powerful opposition and thus those two causes acting together, I lost the election.

I consented also to be candidate for the Senate of the U. S. My prospects were much fairer because the election was not confined to a county, but was again unsuccessful. Every one seemed to believe that when the members first assembled that I had a majority on my side, but my opponents having many hands at work succeeded in having the election put off from time and taking advantage of the want of experience and knowledge of the world in my friends, succeeded in having Barton and Benton elected. This last was elected by a majority of one. I was next to him. From the course which I have taken with the land claimants, you may easily imagine that there were no unfair or artificial means used on my side. Mr. Benton has been in the *St. Louis Enquirer* of which he was the editor and elsewhere the indefatigable advocate of the Spanish land claimants and had repeatedly denounced them as their enemy. I am informed and firmly believe that he has a considerable interest in every claim for his agency, and nothing is more clear that he owes his election to that circumstance; thus the Spanish land claimants have succeeded in obtaining a seat in the senate to their agent.

I need not to tell you that this Benton is the very ruffian who killed Charles Lucas, under circumstances well known to you. He was engaged in the affray where General Jackson was shot through the arm several years ago. It was he or his brother that did it. Various other acts of violence and quarrels placed him in such situation that he could not remain any longer in the state of Tennessee. He is blood thirsty, bold and desperate, yet he can put on an appearance of suavity, borrow a language sentimental and exalted. Great reliance is placed on him by the land claimants.

He will make gigantic efforts during this session. In order to attain his object he will be humble, cringing, accommodating or anything whatever. His pecuniary circumstances are desperate. He has supported for several years past an unprofitable paper for political aggrandizement. He has lived high and expensive for the same purpose. His all depends on getting his land claims confirmed or obtaining by any surreptitious means the passage of a law that will mediatly or immediately answer his own purposes. As an editor he has lavished every possible abuse and contumely on the representatives in Congress from the non slave holding states. No exertions were wanting on his part whilst the Missouri question was under discussion before Congress to excite the people of Missouri to adopt any rash measures.

The friends to the best interests of the U. S. in Congress ought not to wait passively for the movements of the land claimants; they ought to anticipate by bringing a bill to enable within a given time the land claimants to have the merits of their claims tried in a court of justice. Until this is done nothing is safe and the possibility remains for land claimants, their . . . . . and supporters to obtain their object towards the end of a session or at such other unguarded time. There is some probability that I shall go to Washington this winter. I should like to be a judge of the D. C. of the U. S. for the M. T., not so much with a view to hold that office, for I should not incline to continue in that situation more than a year or two, but for the purpose of proving to my enemies in the Missouri State that my services and fidelity to the U. S. are duly appreciated at Washington.

If you think me to be deserving that office, be so good as to apply to the President without loss of time. I hope that the Secretary of State will be well disposed towards me.

Mr. Crawford knows better than any one else how I have acted as land commissioner and what are my deserts as such.

Be so good as to favor me with a few lines as soon as you conveniently can.

J. B. C. L.

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St. Louis, December 21st, 1820.

Jonathan Roberts,

Dear Sir:—Your favor of the 16th ulto. came to hand by last mail. I am very thankful for the application you have made to the President, Messrs. Adams & Crawford likewise for your promptness in giving me the information. It seems to me that provided a sufficient number of members of the Senate be timely apprized that I have been for more than fifteen years one of the superior judges in the territory of Missouri and that I have given a general satisfaction; that the only persons who complain of me are Spanish land claimants, merely because I have not been able as land commissioner to satisfy their rapaciousness and been obliged from an imperious sense of duty to report against their large claims. That Mr. Scott is himself a land claimant; that Mr. Benton has acted as counsel and agent of the land claimants, and these last have given Benton and Scott all their support to be elected. In fact, that the land claimants have succeeded in securing to their friends and partners seats both in the Senate and House of Representatives of the U. S. I say that provided these things be understood, the oppo-

sition of such men must be of little or no effect. The whole matter revolves into these: Is a faithful officer to be sacrificed to the resentment of fraudulent and rapacious land claimants for having had the courage to do his duty without regard to bribe, threats and persecution? I think that among the members in the Senate, Messrs. Dickerson, Ruggles, Macon, Stokes, King and Barbour have some knowledge of my public character. You would confer me a particular favor in presenting them a full view of my situation in consequence of having been a land commissioner. Mr. Leacock was at St. Louis last week. He stayed one night at my house. He would probably have stayed longer had it not been for his apprehension of the Mississippi becoming impassable by the increase of drift ice. I just now hear that there is a letter in town from Mr. Scott, stating that Mr. Lowndes and other friends to the Missouri question of last year have objections to the constitution of the state of Missouri and of course will not be, as matters stand, in favor of its admission into the Union. The speech of the governor of New York and certain resolutions before the legislature of the same state, indicates a settled design of opposition from that quarter. Under other considerations our situation here becomes daily more critical, particularly in the administration of justice. Enter alia our state judicial system is too complicated and costly.

In consequence of a violent cold I had, which is not yet quite over, and has debilitated me much, I have relinquished the intention of going to Washington this winter.

Pray favor me with another letter in your first moments of leisure.

Yours, &c.,

Dec. 7, 1819.

Jonathan Roberts,

Your favor of March last was received. I am particularly thankful for your having spared me time enough to answer my enquiries when under the pressure so usual towards the close of a session. Contrary to your expectations at the date of your last letter the bill for admitting M. T. as a state has fallen through. The cause of it has operated as an additional occasion for the restless and the incendiary to create discontent, exaggerate the evil arising from the disposition in a majority of the House of Representatives on the score of the intended restriction of slavery and prepare the credulous and unwary for any desperate act so that on the misfortune of the country they may raise themselves into a temporary consequence or artificial usefulness. Of this number, T. H. Benton is the most conspicuous. He is the same Benton who is the editor of the St. Louis Enquirer, and who in order to ingratiate himself with Scott and his faction, and at the same time put out of the way a professional and political rival, contrived to bring Chas. Lucas to an encounter twice and terminated the contest by a catastrophe the most abhorrent to the feelings of every honest man.

If Mr. Scott has been elected this year it is only for want of a proper opponent. Almost every one appeared quite callous and indifferent about the last election. I might have been a candidate with pretty good prospects of success, but I have not enjoyed good health from April until now. I am just recovering from a billious complaint which has been very near proving fatal. Even if I had been in the most favorable situations I should have felt very little anxiety to succeed a person who had so much ruffled the feeling

of many members of Congress on an occasion which required all prudence and delicacy and who had generally given such an unfortunate distinction and made so poor a legacy in a multiplicity of cases. Much less could I ever reconcile to virtually assume the obligations to support the Spanish land claimants in their pretensions not less adverse to the interests of U. S. than they are unjust in themselves.

It appears that at the date of your last letter you were not acquainted of the fate of my claim before Congress for compensation. It had then fallen through. I had but a few days before received a letter from my friend Robt. Moore informing me that the select committee to whom my claim had been referred, had reported a bill in my favor. That it had passed a committee of the whole house,—that when it came before the house a motion was made to strike out my name, leaving that of C. B. Penrose, which was negative, that afterwards the bill was generally postponed by a small majority. The motion for striking out my name was predicated upon the special reason that whilst I was a land commissioner I held another commission and Penrose did not. Mr. Pointdexter was the man who made that motion. This same disposition supported upon such an artificial reason could hardly have been expected from a southern Rep. Perhaps his feeling may have been enlisted against me from the circumstance that many of the principal inhabitants of the Mississippi State have been Spanish land claimants under pretty similar circumstances to that in Louisiana and Mr. Scott and his associates took it a fair opportunity to retaliate on me for what they call my inofficiousness or rather my opposition to their claims,—thus should I ultimately be denied a full compensation, I

shall feel myself justified in believing that it is an expiation of the crime imputed to me by the land claimants thro the agency of Mr. Scott, for my fidelity to the interest of the U. S. I might refer you for the general tenor of my conduct to the reports of the commissioners now lodged with the Secretary of the Treasury of U. S., but it would be requiring from you more trouble than you could conveniently bestow. I therefore beg leave to refer you to a single decision (letter to R. T. Moore for this). I beg of you to bestow a few moments of your attention to the foregoing report of the secretary of treasury of U. S., as also the 4th and 8th sections of an act entitled "An Act Respecting Claims to Land in the Territories of Orleans and Louisiana", approved March 3d, 1807, whereby the President of U. S. was authorized to form a new Board, &c. (letter to Mr. Moore).

Mr. Scott has explicitly declared on his return last spring that Mr. Penrose's claim for compensation was rejected because he was in bad company, (i. e., because my name was coupled with his in the petition—for one of the objects of Mr. Scott is to lessen me both at home and abroad). He went even further,—he has stated that some of the friends of Penrose were going to make a motion to strike out my name, had they not been anticipated by a motion for a general postponement. Whilst Mr. Moore has positively stated to me that the motion to strike out my name was actually made and lost, before the motion for general postponement was made. It appears that Penrose believing Mr. Scott's statement, has felt inclined, this year, to improve the opportunity, by petitioning alone. For my part I feel so disgusted with the injustice which I experienced last year, that I have not thot proper to render my pe-



tition this year. Nevertheless should the petition of Penrose this session be reported favorably, I should certainly wish that some of my friends in Congress would be pleased to move the insertion of my name in the report.

I am so exhausted that I have been obliged to recur to my son to write this for me.

With great respect, I am,

Your obedient servant,  
(Sig.) JNO. B. C. LUCAS.

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St. Louis, December 27, 1821.

Cesar E. Rodney,

(Commencing the same as letter preceding to Patrick Farrally, 27th of December, and for residue the same as that to Walter Lowrie of 21st of December, 1821, with less specifications as to conduct and life of Thos. H. Benton.)

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St. Louis, Augt. 29th, 1822.

James Ross,

Sir:—I have lately been assailed by a new set of enemies in Missouri. They have circulated pamphlets throughout the state, wherein I am charged among other things, with having been one of the members of a convention of insurgents in the western part of Pennsylvania, 1794, and having partaken with the violence and rebellious acts against the excise law and excise officers. That I am a pardoned rebel.

Never such charges had been leveled against me before, I believe never would if my prospects as candidate this year had not been so fair as to alarm my

opponents and drive them to desperate means. As you are among the very few survivors to the transaction that have knowledge of my conduct on that occasion, I beg leave to ask you the favor of an answer to the following queries:

Was I, to your knowledge or from general report, a member of a convention of insurgents or any other convention?

Was I, to your knowledge or from general report, present at the attack on Neville's house, or was I actor or abettor in any violence committed on the person or papers of any excise man?

Was I actor or abettor in intercepting the mail or in having certain citizens expelled from the country on account of written communications to the government which were intercepted?

Was I not a member of a committee that met at Parkinson Ferry and also of a committee that met at Brownsville?

Was I not one of the commissioners from the Allegheny County with Messrs. Brackenridge and Morton that met the commissioners appointed by the President of the U. S.?

Did I vote for receiving the terms proposed by the commissioners of the U. S. that is for submission, or did I vote or urge anything against at Brownsville or anywhere else?

Was I one of those that received at Reedsburgh, the submission of the inhabitants of Mifflin Township and Port of Sinclair?

Did I deliver you a duplicate of the same to be transmitted to the President of the U. S.?

Your answer upon all the above queries or such part thereof as you may recollect will be thankfully received.

Most respectfully, &c.,

J. B. C. L.

St. Louis, Jany. 4, 1827.

Richard Rush, Secy. Treasury,

Sir:—As the superintendency or surveillance of the concern and interests of the U. S. in the public lands is committed to the treasury department, I beg leave to submit to you a few remarks on a subject intimately connected with it.

For this long while the French and Spanish land claimants and particularly their agents at Washington have complained and lamented the acts of Congress under the authority of which a part of the French and Spanish claims have been confirmed and reported generally against by a former Board of Commissioners had not allowed to those commissioners a sufficient power to enable them to do full justice to those claims. They have also laid occasionally blame and reproof upon the commissioners themselves. I, for one of them, had much more than my proportionate share of it. I have been singled out and persecuted by the land claimants. Their excitement against me was heightened from the consideration that they being almost all of French origin retaining the French language and manners, and myself being born in France, I ought to have made principle and public duty yield to French feelings and partiality. They would, no doubt, have returned every kindness to me for it. I should have been their favorite. I should have had a liberal share in their land claims. I should have been elected to the Senate of the U. S. But the love of popularity and wealth have never overcome my sense of duty to the country of my choice.

Thomas H. Benton owes chiefly to the land claimants his seat in the Senate. He was their counsel and agent long before he was elected. It is generally understood that he has still an interest in a great part of their

claims as contingent fees. The course he has taken in the Senate respecting those claims confirms me in the belief that he is still their agent and partner. He has exhausted at different times in the Senate all the means of having all the unconfirmed claims referred once more to a special commission, and after having failed in his various attempts he has seen with regret the passage of the act of May 26, 1824. This act would have been welcome and cherished by the land claimants and their agent if their claims could bear the test of judicial scrutiny, but as this is not the case, they are extremely displeased with that law and wish to have their claims referred to some special commission where proceedings may be had unguardedly, *ex parte*, and without regard to law of evidence so that confirmations or at least a favorable report may be procured in a *hocus pocus* way, and so on, until the last claim shall be passed through for so long as there remains a claim unconfirmed they will contend that the opinion of a special commission cannot conclude them from their rights or pretensions to right protected by treaty it being not the decree or judgment of a tribunal constitutionally competent to decide by due course of law. Under those circumstances, Mr. Benton has resorted to a last expedient. He has advised the claimants to apply to the president for a recommendation of their claims to Congress in order to impose upon the legislature from a quarter not at all suspected.

I hope this is his last piece of generalship. A petition for that purpose has been signed and addressed by the land claimants to the president of the U. S. and it is I presume in consequence of it that the president has made a particular recommendation in his late message for the security of the land titles derived from the

government of the French and Spanish nations. Had the president thought at that time of the existence of the act of the 26th May, 1824, entitled "An Act Enabling the Claimants to Land Within the Limits of the State of Missouri and Ty. of Arkansas to Institute Proceedings to the Validity of Their Claims" he would certainly have been satisfied that nothing further need to be done by Congress on that score that the land claimants have now a judicial tribunal in Missouri made competent and open to institute proceedings and try the validity of their titles in due course of law which is the highest security that the constitution of the U. S. can grant where claim to right or titles are disputed or controverted. From these it clearly appears that the recommendation of the president on the occasion before alluded to is a mere surplusage. I am aware however that the agent of the land claimants will make use of this recommendation as a pretence to change if possible the present course of legislation for the land claimants are of such a character that they dread nothing so much as a judicial investigation. Having endured so much persecution as land commissioner whilst I endeavored to save the U. S. from the grasp of imposition, I now feel a double interest in seeing that the U. S. be not at last tricked out of millions of acres of the best land and that my labor and suffering be not productive of benefit to the country. I know that these land claimants in general and their agents relying as much on the dupiness of congress as on their unrelenting activity and intrigue, have repeatedly asserted with much apparent confidence that their claims will ultimately be confirmed and in order to attain the better their end, they have conveyed part of their claims to divers influential persons in Kentucky and Tennessee

and probably in other places. Should their expectations be realized, I can safely say that subornation, antedating and other frauds of different shades and degrees would receive a very high premium.

I can assure you, sir, that their claims, with very few exceptions, indeed, have not the shadow of legal or equitable merit; that there is no inception of right whatever to confirm by. Congress might, however, give the name of confirmation to a mere donation which would be a mere covert unworthy of the legislature of a free people.

Permit me to observe that the land commissioners have construed most liberally any French or Spanish laws that have come to their knowledge respecting those claims. That also great many claims have been confirmed amounting to a great yield of land. The present land claimants are not suffering for want of land. They have already been largely provided by confirmation of claims, to great yield of land of the best quality.

For further information I here enclose a draught of a petition now in circulation in several parts of the state for subscription. The land subject in Missouri and Arkansas having been discussed for this long time. I have presented in various communications my view of the same to Messrs. Gallatin and Crawford at the time they were respectively at the head of the Treasury Department, but probably some of these communications may be found in the office of the same department.

Another powerful reason presents itself why Congress ought to act most circumspectly on the present occasion. Sometime Congress in the plenitude of its power might deem it proper to relax or deviate from the legal principles on which those claims stand and be

liberal on the ground of policy or expediency. Let me remark that a law might be passed which would be over-reaching in its effects. This has already been the case by the act of the 12th of April, 1814, entitled "An Act for the Final Settlement of Claims and Titles to Land, &c." This act has operated substantially as a donation. By all the acts passed on that subject preceding that of May 26, 1824, it was made the duty of all claimants to file a notice of their claims in the office of the recorder of land titles for the district of Louisiana, now state of Missouri, this requisite being now dispensed with by the act just mentioned. No one can know or even guess what number of claims exist, nor is here any restraint on the former Spanish officers yet living to coin new concessions if they please to do it, if a Spanish registry is not a check and requisite to authenticate them.

I transmit to you a pamphlet containing an argument which I delivered before the District Court of the U. S. two years ago in a case where the heirs and representatives of Antoine Soulard are plaintiff and the U. S. defendants. It will be seen that Soulard stated on oath that he had a concession for 10000 arpens of land issued by Zenon Trudeau, lieutenant governor, &c., that he lost it by accident he proved by the testimony of Lassuss who had been lieutenant governor since at the same post. That he, Lassuss saw the said concession and read it in part, &c. No such concession was on the Spanish register, nor mentioned or noticed in any public document. An issue was made upon the existence of the concession. The verdict of the jury was that such a concession had existed. The court has since decreed against the claim on the ground that the officer who issued the concession had no authority to

do it, &c. Since that time, a letter in the handwriting of Antoine Soulard and under his own signature has been found in the recorder's office. It was addressed to the land commissioner in 1806, wherein Mr. Soulard formally declares that he claims no greater quantity of land in his own name in Louisiana than about 4000 arpens. It appears that about the same quantity has since been confirmed to him. That letter stands in contradiction to the existence of his pretended lost concession, and to the testimony of his friend Lassuss. I have cited this circumstance in order to give you a specimen of the fraud that may be unblushingly practiced on the U. S. For my part, had I been judge in that case, I should not have admitted the suggestion of the loss of an unregistered land concession, nor even the concession itself as legal evidence, because an unregistered concession is destitute of the character of authenticity, and because the requisite of Spanish registry is the only check to prevent coining of concessions ad infinitum. The former lieutenant governor, Lassuss, is himself a claimant for a large quantity of land. He is at hand, and should it be finally decided that an unregistered concession is a legal evidence of right, nothing but his conscience or honor could prevent him from issuing as many more concessions as he pleases.

The early habits and education of the officers of a despotic king are far from being the best security of their respect and devotion to the interest of a republican government. I am, sir,

Very respectfully, &c.,



St. Louis, February 8th, 1827.

Richard Rush,

Sir:—Without departing from the opinion which I have imparted in my letter to you of the 4th January last, and believing as strongly as ever that the French and Spanish land claimants ought to be held fast to a court of law for the decision of their claims just as they are now, yet, in as much as the legislature of this state in their late memorial to Congress have expressed a desire that a Board of Commissioners be appointed to make decisions on the same claims, and as I know that the agents of the land claimants near Congress will use every means to attain that object, in case they should succeed, I should have no kind of objection to be one of the commissioners, being satisfied from the opportunities I had that I am acquainted with everything relative to those claims, probably better than many other persons as I can attend to this business without personal inconvenience. Perhaps it may be proper to inform you that I was appointed some years ago one of the commissioners to act at Pensacola upon the land claims in West Florida. The appointment was neither sought for nor expected. The Secretary of the State informed me then that in case I accepted my attendance and services at Pensacola were wanted without delay. This together with some pressing business of my own at home prevented me from accepting the appointment. I hope you will be pleased to communicate to the president without delay the contents of this, my letter.

Respectfully, &c.,

J. B. C. L.

12th Sept., 1823.

J. Russel, Editor.

Nothing has become, nowadays, more stale and deceptive than the means commonly used to express public opinion. There is in the moral as well as in the physical system, something light and volatile which ---at the surface of every substance. This nothingness, these bubbles viewed at a distance are too apt to be taken for what it is not, thus it leads to egregious mistakes, to suppositions and inferences entirely unfounded. For instance, whilst almost all the citizens of any town or part of country are most intent on the pursuit of their respective avocations it will often happen that the idlers and designing men with which every part of the country is afflicted will put in their own head to start a subscription for a dinner, a ball, &c., in testimony as their cant is of respect for such one or other of their kidneys or fellows. One or more of their hands are immediately set at work, and if after having teased and entreated one or two hundred persons to subscribe, they can succeed in getting two or three dozen names to their paper, the matter is fixed, a dinner is given, toasts are drank, and the many learn by the next paper the sentiments which these few have palmed upon them.

The dinner which was given in token as it is said of respect to Genl. Rector on his return last spring from the city of Washington, presents a recent instance of this mode of proceeding. (This kind of imposition.)

The St. Louis Enquirer of-----informed the public that such a dinner had been given and regaled us with the toasts which were drank then, but an egregious mistake was made in stating that the toasts were drank at a dinner given in testimony of respect, &c.,

by the citizens of St. Louis. It is evident that these words a dinner given by the citizens convey the idea that all the citizens gave it, or at least a majority of the citizens had a participation in it, but what will it be said if in reality the nine-tenths of the citizens of St. Louis had nothing to do with that dinner, as is absolutely the case. Such an imposition is really unsufferable. To what purpose then so an egregious falsehood should have been published. (The true state of things was perfectly known to the editor of the Enquirer, for he was himself at the dinner.) This gross departure of truth necessarily raises the presumption of an evil design in some one. Would it not seem probable that this dinner was given in order to have an opportunity to toast Genl. Rector and T. H. Benton, and by omitting D. Barton to give to understand abroad and in the distant parts of the state, that Messrs. Rector and Benton stood high in the opinion of the citizens of St. Louis whilst Mr. Barton was slighted if not directly censured. In fact the conduct of Wm. Rector as surveyor general met with the approbation of the citizens of St. Louis and consequently the vote of Mr. Benton in the Senate in favor of his nomination, whilst the vote of Mr. Barton against it was censured. Happily the people are wide awake and the time of imposition is over, this ruse de guerre is perfectly harmless.

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September 25, 1825.

James Russel,

Sir:—I request you to insert as soon as possible, in your paper the enclosed comic essay, preserving the same arrangement in which the lines stand.

I have consulted persons of a correct taste, who declare it meets their entire approbation as to propriety, and also being in the true comic character. In order to obviate all possible objection, if any, I make myself answerable for all the consequences of the publication. I wish, however, that idle curiosity be not satisfied.

Respectfully,

J. B. C. L.

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St. Louis, February 10, 1821.

Edmund Rutter,

(Letter to, enclosing an essay signed "A Farmer" with request to consult with our friends and make such alterations as they may deem meet; among these friends I mention Messrs. Stephen Bird, Abraham Bird, Bolinger, Frizel, McFerran, English.

Part of letter verbatim. A person in whom I particularly confide has told me that several of the leading opponents at St. Louis, to the amendments to the constitution, were the other day lamenting together on the bad management of Mr. Gyer in the legislature. They consider that he was too openly insulting and contemptuous in the course of the debates; that the breach which he has impudently made is probably too wide to be easily closed; that this unhappy circumstance will impair for a long time the political influence over the country members to which the gentlemen of the bar are entitled from their talents and other considerations; and in the meantime the best guards and provisions of the constitution may be prostrated and undone. N. B.—Two of these bemoaners were political men.

My expectation is that in case the general plan of the essay meets with your approbation, after being corrected it will be handed to the printer at Jackson for publication. I shall forward you another essay by the next mail.

Respectfully yours,

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St. Louis, February 12, 1821.

Edmund Rutter,

Dear Sir:—I hope you have received by the last mail a packet from me enclosing a letter dated 10th inst. and an essay. I here enclose another which I likewise submit to your consideration and that of our other friends. I believe it ought to be published with as little delay as possible. Although I am subscriber to the paper of your town, I have not received any this great while. Be so good to request the printer to be more punctual with me. I wish him to send me six papers of each number containing the essay of last week and the one here enclosed.

You will oblige me by writing soon to me and giving me such information as you possess on the state of public opinion in your part of the country and also how these essays of mine have been approved or disapproved. I wish you to pay particular attention to the state of the seals of my packets to you, for I strongly suspect that I am not less watched at the post office than any where else.

Respectfully yours,

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St. Louis, Augt. 17, 1823.

Edmund Rutter,

Dear Sir:—Your favor of the 6th ulto. has been duly received. I have been delayed answering until this

time in order to make more enquiry on the subject mentioned in it. I never heard before I received yours, nor have I been able to hear since, of any persons intended to be candidates or proposed as such for the office of Lieutenant Governor. The only thing I can say is that I always heard you spoken of as respectable and a useful member in the House of Representatives, and I am well satisfied beside that you have a very good standing in Cape Girardeau County. We have had here already some canvassing for the next election of representative in Congress, and also for governor. You probably have heard that I have been appointed by the President one of the commissioners for ascertaining claims and titles to land in the territories of Florida, and that I have declined to serve. It appears that my enemies are displeased that I had such an offer and perhaps not less so at my not accepting it. The salaries are \$2000 per annum, payable quarterly. It is evident that I did not ask the appointment and that I have not thirst for power or money, and also that when I have been in this state repeatedly a candidate. I could not be actuated but by honorable and disinterested motives, such, for instance, as to prevent the leading lawyers of St. Louis and their faction from giving the state a constitution suitable to themselves only, and save the state the disadvantage, if not the disgrace of being unworthily represented in Congress. A residence of more than eighteen years in St. Louis, together with a concentration of all that is dear to me, children, friends, and property, identifies me with the honor and prosperity of our state.

Respectfully,

J. B. C. L.

St. Louis, Augt. 28, 1819.

Jas. Rankin Simpson,

Sir:—Your letter to me of the 30th of July has been lately received. The tract of land which belong to the estate of Charles Lucas, deceased, and is a Spanish grant situate six or seven miles from Franklin, is still for sale. As there is no other tract belonging to the estate in that part of the country, I presume there is no mistake as to the identity. I cannot tell whether it is in the township 49, however, I believe it is. The tract don't contain six hundred and forty acres, it only contains six hundred arpens. The price is one dollar and five-eighths of a dollar per arpent, one-third in hand, one-third in one year from the date of the sale, the other third in two years. I have purchased myself at the February sales a fractional part of the section, No. twenty in township No. forty-nine, adjoining the six hundred arpens above mentioned near the bluff and towards the Spring. I bought it in order to have the Spring more completely in

(Manuscript destroyed.)

I have received yesterday a letter from John G. McDonald, Notary, dated Washington, 4th Augt., informing me that my draft for six hundred dollars in favour of B. Pratt on you, sir, as secretary of the Treasury of the U. S., &c., has not been paid, and is protested. This presents a serious inconvenience to me which, as it is will be obvious to you, I ought not to bear. I had right to draw, and I have exercised that right. If a draft on a bank of the vicinity had been sent to me at the end of the 1st quarter, to-wit: 1st of March, or an information forwarded to me sooner, no such thing would have happened.

I had appointed two years ago, Mr. Smith the cashier of the Branch Bank of the U. S. at Washington, my attorney in order to have the money due to me for my salaries remitted at the Bank of the U. S.

(Manuscript destroyed.)

I hope from your justice that I shall not be made sufferer for an accident which I neither could help or control.

Respectfully, &c.,

J. B. C. L.

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St. Louis, October 12th, 1817.

John Colton Smith,

Sir:—Having been informed that a Mr. Reeves, professor in the faculty of law, used to give his lectures at Litchfield, Connecticut, with reputation and success, and understanding that lectures on the same science are still continued at the same place either by him or by some of his learned disciples under his auspices; being also convinced that such an institution must be of an infinite advantage to initiate students properly, save the disgust commonly attending the commencements, methodize their ideas, understand the general object and reason of laws, argue better from analogy, I have thought it expedient to send one of my sons named Wm. to partake with the advantage of this institution.

This letter will be handed to you by him. I beg of you, sir, to extend your benevolence to him and assist him with your counsels. I have thought proper to send him so far and incur the expense attending his long journey, &c., believing from past experiment that he will make a good use of his time, that his conduct under other respects will be correct and that when he



will leave Litchfield, no recollections will be left behind him unfavorable to his character. I am an utter stranger in your state. You are among the very few with whom I can make this application.

If in any manner whatever, I could be of any service to you in the part of the country which I inhabit, you may confidently make use of me. I am,

Respectfully,

J. B. C. L.

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Nov. 22d, 1819.

R. Smith,

Cashier Bank U. S.,

Sir:—I have received a copy of your letter to the Secretary of the Treasury bearing date the 7th of Oct., 1819, which reads thus (here follows the letter) believing that as since last year the Bank of the U. S. had ceased to pay the notes of its branches, the arrangement which I had made with you could not be conveniently carried into effect I supposed that the only way left me to do was to draw upon the Treasury of the U. S. which I accordingly did. My draft was protested and the reason given for it was that my salary for the two first quarters of the year had been paid into the hands of my attorney at Washington. In your letter to Mr. Croford you state that my first quarter's salary has been drawn by you and placed to my credit in the Bank of the U. S. and that my 2d and 3d quarters have been transmitted to me by drafts on the Missouri Bank

(Manuscript destroyed.)

the dates of the drafts (the one 7 of July, the other the 4 of Oct.) I am lead to conclude that they are in payment of my salaries for the two last quarters of the year ending 30th Sept., 1819. If so, there must be the 2

first quarters credited to me at the bank of the U. S. This seems to follow from your statement that you have sent me but 2 quarters, and from the fact that I have received but one half of my salaries for the last year. If this is not the case I suppose that you must have sent me a draft on the bank here for that quarter ending in March last, and that it has miscarried or has been mislaid. I therefore wish you to forward me a draft on our bank for that quarter, or if otherwise it be credited to me at the Bank U. S. that you will have the goodness to inform me of it without delay. The pecuniary embarrassments under which our country labors are not less felt by us than by others.

I have the honor to be,

(Sig.)

JNO. B. C. LUCAS.

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January 24, 1827.

Genl. Saml. Smith,  
Maryland,

Sir:—The French and Spanish land claimants within the bounds of the State of Missouri and Ty. of Ark. after having seemingly slumbered for a while, have resumed lately their wanted activity. They have petitioned the president and have procured thereby a special recommendation of their claims in his message to the two houses at the commencement of the present session of Congress. It is obvious that this recommendation was anticipated by an Act of Congress entitled “An Act Enabling the Claimants to Land in the State of Missouri and Ty. of Ark to Institute Proceedings to Try the Validity of Their Claims, Approved 26 May, 1824,” whereby the District Court of the U. S. for the State of Missouri is made competent to try the merits of their

claims and by a final decree to settle and determine the question of the validity of the title according to the laws of nations, the stipulation of any treaty and proceedings under the same, the several acts of Congress in relation thereto and the laws and ordinance of the government from which it is alleged to have been derived, &c., and in all cases the party against whom the judgment or decree of the said district court may finally be given, shall be entitled to an appeal within one year of its rendition to the supreme court of the U. S., &c., it is self-evident that every provision necessary for the security of titles under treaty, &c., is made by that act, and that the claimants cannot ask anything more unless it is an absolute donation under color of confirmation, and, indeed, I believe it is what they are after. Their avowed object is to have their claims referred once more to a Board of Commissioners where they expect to obtain better terms than in a court of law. Those claims have already been reported against by a Board of Commissioners. A second reference could attain no other end but collusion and fraud. The claimants are now safely provided for the purposes of the security of their titles if they are good, but from the opportunity I had as a former land commissioner, I am well satisfied that without favor and a donation in disguise, the claimants are undone and they know it as well as I do. They depend upon their perseverance and the management of their agents in both houses of Congress. They dread a trial at law as a prisoner who is conscious to deserve the sentence of the law. They have gathered strength and influence by convening part of their claims to divers influential persons in Tennessee, Kentucky, &c.

I now feel a double interest in seeing that the U. S. be not tricked out of millions of acres of the best land and that my labor as a former land commissioner, the persecution, vexation and my self-denial of political aggrandizement, accumulation of wealth, be not unproductive of public benefit.

For further information I beg leave to refer you to the enclosed draft of petition that you may have an idea of the weakness of a Spanish claim and its discrepancy from the Spanish law. I enclose you also a pamphlet containing the substance of an argument which I have delivered before the District Court of the U. S. for Missouri. The land claimants and their friends have never ceased to boast and assert that their claims will ultimately be confirmed, greatly depending, I suppose on the dupiness of Congress, on the perseverance and influence of their agents at Washington. You are among the few that are contemporary to the origin of those claims and can best satisfy the Senate of the propriety of holding the land claimants fast to a court of law, or else, abide by the limitation for not prosecuting their claims in due time.

With respect, &c.,

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Draft of petition against removing land claims from a court of law. Pamphlet containing argument case of, vs. U. S. for 10000 arpens of land situate on Cuivre River. Seven packets of same sent to, Jan'y. 24, 1827.

Saml. Smith,  
Wm. Findlay,  
John Cooke,  
South Carolina Smith,  
Wm. Hendricks,  
Wm. Drayton.

St. Louis, January 15th, 1820.

Hon. Henry Southard,

Sir:—A great many of the original Spanish land claimants in that part of the former province of Louisiana which is now included in the Missouri and Arkansas territories have sold several large claims to a number of American citizens from the west whom they have deemed to be the most able, by influence and management to procure the passage of an act of Congress for the confirmation of another part of the Spanish claim, and put the residue in the most favorable train.

Governor Clark, who has become greatly interested in those claims by large purchases, is now in attendance at Washington. We may presume that he is not idle and gives every possible assistance to John Scott, the delegate who is likewise deeply concerned in them. These two have been followed by several others from St. Louis. Their rendezvous has been kept secret as long as possible. We have been a long time here without knowing where they had gone. It is supposed that the influence of all of them is to be directed towards two principal objects. The first is to keep back or to prevent the taking up either of the two bills reported last year, the one by the Secy. of the Treasury, the other by the committee on public lands, whose leading principles are the same, which is to refer the claims to land in the former province of Louisiana to courts of justice for decision within a given time. Their second object is to procure the passage of a favorite bill reported by another committee on public lands on the 10th of Feby., 1818.

Let me observe to you that this last bill contains all the aberrations of the act of the 12th of April, 1814, entitled "An Act for the Final Adjustment of Land

Titles in the State of Louisiana and Territory of Missouri" with this additional evil that it extended this aberration to a much greater quantity of claims, still less certain and authenticated. That it provides for the opening of an office for the entry of new claims and also to authorize claimants to file *de novo* in the new office, any claims which may have been disallowed by the former Board of Commissioners and whose proofs they must consider incomplete and insufficient, that they may have an opportunity of improving upon the former testimony. This opportunity presents consequences so much more dangerous, as the testimony will be taken *ex parte*, the bill not providing for the appointment of an agent to appear in behalf of the U. S., and as many witnesses have evinced a great docility and disposition to accommodate the land claimants in a variety of occasions before the former Board of Commissioners. Let it be observed that nothing is more ruinous or adverse to the interests of the U. S. than to open an office for new claims, especially when the date of the treaty of St. Ildefonso is abandoned. No Spanish registry is required to authenticate claims. The conditions on which concessions depend under Spanish laws and customs are laid aside, and the number of claims or quantity of land to which this relaxation or dereliction of principle may apply is unknown.

Taking all together the claims entered on record which remain unconfirmed, they present a great mass and a formidable aspect. Their number and the quantity of land which they call for is great indeed, it matters of nothing less than several millions of dollars worth in choice land, but in truth it is nothing more than a great superstructure without basis. The land claimants know it very well, and their want of confi-

dence in their claims is fully evinced by their great apprehension of being sent to courts of justice for the ascertainment of their rights. Altho they make a great noise about the security and inviolability of their rights under the treaty between the U. S. and France, yet they dread nothing more than a judicial scrutiny by a constitutional tribunal. I am well informed that some of the leading claimants have been candid enough to declare not long since, that altho they have waited during these fifteen years, for the confirmation of their claims, they would be willing to wait fifteen years more, sooner than to have them referred to courts of justice. Without wishing to deviate from the independent course which I have taken with respect to all the land claimants, whether they be American or French, nevertheless I don't wish to irritate them anew. I therefore, request you, sir, to make such use of my communication as you may think best, without mentioning my name.

I suppose you must be satisfied that as a former land commissioner, as a judge of the territory and under other considerations, I had opportunities enough to become interested in those claims upon as good terms as anybody else, if I had, my interest would forbid me, now, to endeavor to put you on your guard on the present occasion.

As a specimen of the course which I have pursued as a land commissioner, I beg leave to refer you to the report of Mr. Galatin to the President of the U. S. upon Duberque's claim, which is contained in the 84th, 85th and 86th pages of the appendix to the Land Laws, being a compilation made, as I believe, under the direction of Mr. Galatin.

JNO. B. C. LUCAS.

P. S.—I have directed to you a number of the Missouri Gazette, wherein you will see under St. Louis head, copy of one of the electioneering hand bills of our delegate, John Scott, by which it appears that he has many land claims not confirmed. If he can have them confirmed, his fortune will be colossal indeed.

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St. Louis, Jan. 4, 1822.

John W. Taylor,

Sir:—Although I have not the happiness to be personally acquainted with you, I have nevertheless presumed to write to you from what I deem to be urgent necessity. By making enquiry from Doctor Eustis from Massachusetts or others you will soon be able to know who I am.

Lest you should not be sufficiently informed of the defects of the Spanish land claims in the State of Missouri which remain unconfirmed; lest also you should not be sufficiently aware of the artful means which have been heretofore used and will no doubt be used again during the present session of Congress to procure the passage of an act for confirming the same, or for putting them in a proper train for confirmation, permit me to observe you that by the 4th section of an act of Congress of the 3d of March, 1807, the Board of Commissioners,—(The residue as in letter to Walter Lowrie of December 21st, 1821, except what relates to C. Lucas; except also, what relates to pretensions of seat in Senate, is omitted.

Yours, &c.,



St. Louis, April 5th, 1822.

J. W. Taylor,

Sir:—I was absent for some time before and since your favor of the 13th Feby. reached St. Louis. Owing to this circumstance I have not been able before this to submit you my remarks on the bill which you have transmitted me. Should this bill pass as it is now, no legislation could be more ruinous and over-reaching. Notwithstanding my difference I shall attempt to present you a view of the amendments which, in my opinion, the first section ought to receive. Strike at the 8th line commencing at the word before and ending at the 21st line with the word Louisiana, and insert in lieu thereof, during the time that the said French and Spanish governments respectively had the right to dispose of the domains or public lands situate in the 3d late province of Louisiana, and which concession, warrant or order of survey is duly recorded in the office of record of land titles for the district of Louisiana; together with a notice of the claim to land in pursuance thereof.

Strike at the 43d line of same section commencing at the word united and ending with the word interest, at the 46th line, for the purpose of inserting in lieu thereof, it shall be the duty of the party petitioning to serve on the attorney of the U. S. for the district of Missouri, a copy of each petition that shall be filed under the provisions of this act within days from and after the time of filing the 3d petition, in order that the 3d attorney may make such a defence thereon in behalf of the U. S. as the case may require.

I think it would also be very proper to make a provision for authorizing the President of the U. S. to employ one or two counsels to aid and assist the district

attorney. Not only great benefit might be derived from their legal services but also from their being a check against any collusion. Not that I pretend to cast any reflection against the judge or attorney, but because our government is based upon checks and because I believe that if \$100,000 could bribe each of the officers they would be offered to them.

In suggesting the foregoing amendments, I had three important objects in view. The 1st was to leave it entirely to the judiciary to decide when the French or Spanish authorities had ceased to have the power of granting land. It is evident to me that the bill acknowledges the right of granting land four years and four months after the Spanish government had parted by the treaty of St. Ildephonso with the right of domain.

2d. Not to let Congress give away land under color of confirmation on which many families are actually settled; on which they have spent their strength and their means and to part of which they have a right of pre-emption, whenever they will be offered for sale by the U. S.

3d. Not to let claims not entered for record in the office of recorder of land titles, and, of course, having no known character of claims against the U. S. I say not to let such claims come under the notice and jurisdiction of the District Court. The laws providing for adjusting and quieting claims to land, required that an entry should be made of a notice of such claims and written evidence in support of the same that none but claims thus recorded should be acted upon by the commissioners and all claims not recorded should be barred. This indirect way provided in the bill of petitioning before the District Court for claims duly entered on the Spanish registry would open the flood

gates of fraud. This Spanish registry is well known to me. It is intended to be made anything of, and no calculation can be made of the number and extent of claims that will be brought if the provisions of the acts of Congress which bars all claims not duly recorded under the several acts of Congress are revoked or done away. I should submit you many more remarks did time allow.

Respectfully, &c.,

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St. Louis, December 20th, 1822.

Hon. John W. Taylor,

Sir:—Although the land bill which originated last year in the Senate was very favorable to claimants, nevertheless their case is so desperate and their pretensions so high that I am well convinced its provisions are not sufficiently ample to quiet their apprehensions. From these I am induced to believe that the delegation of Missouri did think it impolitic to have it past through the House of Representatives last session. I am persuaded that they have not given up the hope of being able to have another bill presented and passed at some unguarded time this or next session, which will refer the claims to a Board of Commissioners, for they dread nothing so much as an investigation before a court of law.

Permit me to remark that notwithstanding the caution and care plainly observable in the last bill of the Senate on that subject. It contains two dangerous departures from established principles. The first is an acknowledgment that the Spanish commandants at St. Louis could issue concessions until the 10th of March, 1804, whilst the province of Louisiana was

ceded to the U. S. in the same extent and with all the rights the French had acquired by the treaty of St. Ildephonso of the 30 of September, 1799, whilst also it gives effect to acts done by the Spanish officers after their sovereign had surrendered the right of domain and the actual sovereignty. The second goes to embrace not only the claims recorded but those also that are not. Nothing appears to me more proper than to declare that no claim predicated upon a concession posterior to the date of the treaty of St. Ildephonso ought to be taken notice of before the court or if not the question when and by what officer can be issued, ought to be left entirely to the court. It is beyond doubt that the office for recording the written evidence of the land claims has been open long time and repeatedly too, that the obvious object was to ascertain the quantity of claims, and check the introduction of new written documents, and there is an evident danger in opening a door to claims unknown and uncertain. It appears by unquestionable documents that Thos. H. Benton, senator from Missouri who was one of the directors of the Bank of Missouri when it failed, is indebted to the bank to the amount of \$13000. That he is much involved and, no doubt, to a much greater amount than he is able to pay, hence his desperate situation will make him exert all his power to obtain by one mean or other the passage of an act favorable to the Spanish land claims. He was the agent and counsel of many of the Spanish land claimants before he was elected to the Senate, and I am persuaded that he has a great interest and share in them and owes his election in a great degree to that circumstance.

Respectfully,  
J. B. C. L.

St. Louis, Jany. 10th. 1823.

Hon. John W. Taylor,

Sir:—Soon after I had received your letter of the 13th of February, 1822, together with the bill which had originated in the Senate, entitled “A Bill to Enable the Holders of Incomplete French and Spanish Titles to Land, &c., in Missouri to Institute Proceedings to Try the validity Thereof, &c.”, I submitted in my letter to you of the 5th of April, 1822, some remarks on the dangerous tendency of the same bill and at the same time suggested some amendments. I understand that this bill received several amendments before its final passage in the Senate. I don’t know what they are, but as they were not made nor advocated by Mr. Benton, I make no doubt but that they are unfavorable to his views. It appears that the bill did not suit Mr. Scott as he has introduced amendments before the select committee which must have been material and little acceptable to the house, for it seems that the bill did not progress since. I am inclined to conjecture that Messrs. Scott and Benton thought it necessary to appear to do something on the subject in order to amuse the land claimants at home with a semblance of industry, but that neither of them were satisfied with a bill, however apparently advantageous, which contains the principle of reference to courts of justice, for let me repeat to you that not only their best claims are essentially deficient and lame, but most all of them are mere shadows. They have not even a legal incipency and cannot be carried through but by a leger de main, which might be accomplished before a Board of Commissioners, but never before a Court of Justice.

No doubt but Mr. Benton is as busy as ever in order to carry his point this year. His best hopes of political

influence and wealth rest upon his success in the land claims. He was the leading agent and counsel of the land claimants before he had a seat in the Senate. It was chiefly through the influence of the Spanish land claimants that he was elected. I know that as their agent the best part of his compensation was contingent. It depended upon the confirmation of the land claims. I firmly believe that he has now a considerable share in them. If he don't succeed, his situation will be desperate for he is greatly in debt. He was one of the directors of the Bank of Missouri when it failed. He indefatigably puffed the credit of that institution until he succeeded to induce the Secretary of the Treasury to have deposits made in it to the amount of \$152,000. It having been found out that all the directors were the principal debtors of the bank and had assigned since it stopped payment, great part of the rights and credits of the bank to a man notoriously insolvent, the District Court for the state of Missouri has, at the suit of the U. S. appointed trustees to hold the remaining property of the bank and attend its concerns. I have stated you this in order to satisfy you that Mr. Benton is in a desperate situation that you may alarm your friends in the Senate and House of Representatives. As to Mr. Scott, he is under the direction of Mr. Benton. He is his echo.

Be so good as to inform me briefly of the course which is pursued this year on the land claims in Missouri and send me the bill that is reported on that subject.

Yours, &c.,

St. Louis, December 15, 1823.

John W. Taylor,

Sir:—Dry and ungratifying to the mind as the subject of the Spanish land claims is, I have nevertheless repeatedly waded through it in order to alarm the representatives in congress and enable them to defend the U. S. from the impending danger of imposition and fraud; believing as I do that you are truly animated with the desire of serving your country on all questions that may present themselves, whether they be attended with celebrity and eclat or not, I confidently hope that you will not be weary to receive some additional communications on the same subject. I never should have assumed such a task, (which, indeed, has subjected me to much trouble and persecution) had not the information which I have obtained concerning those claims whilst I was land commissioner placed me under greater obligation than others to endeavor to save the public thing from the grasp of a set of men for the most part already loaded with the munificence of the U. S. and whose influence is even now too much felt and would be overwhelming should they meet with further success.

Knowing as I do that the multiplicity of business which will inevitably crowd upon you in the course of the session, in order to diminish your labour and trouble, permit me to submit to you a few more remarks. In turning to the bill of the Senate of February 19th, 1823, it will be seen that in "Benton reported it by reference to the memorial of the legislature of Missouri on the subject of land claims. The date of this memorial is December 3d, 1822, and part of its contents is here inserted.

“The unconfirmed claims in this state and want of definite tribunal where rights of this kind may be contested and settled are subjects of much sincerity and solicitude amongst us. We wish this difficulty obviated and competent tribunals constituted to decide definitely the unsettled claims so that the laws belonging to the U. S. and those belonging to individuals may be known and set apart that every inducement may be offered and every obstacle removed as far as practicable to emigrants who may be disposed to locate themselves amongst us, but the reference of the reporter of this bill purely verbal and the bill stands in direct opposition to the memorial. It is evident that the legislature demand by its memorial that the land claims be put in contest or litigation and a final or definitive decision may be had upon the same by a competent tribunal, whilst the bill provides for a reference to the recorder of land titles for opinion only and with directions that those *ex parte* proceedings and opinions be reported to congress at their next session, which is, in fact, doing over again the same thing with this difference, that the report here before made on the same subject contains the opinions of the three commissioners and the one intended by the bill would contain but the opinion of one person with a dangerous latitude to exercise it. If Mr. Benton had paid any attention to consistency and to the wishes of his constituents he would have mentioned in his report on the memorial of the legislature of Missouri that a bribe had passed the senate during the preceding session which met entirely the wishes expressed in the memorial. He would have stated that there was another bill of a similar import which had originated in the house of representatives and was on their files; he would have urged Mr. Scott the



representative of Missouri to call up one of those bills and press the passage thereof, but sir, Messrs. Benton and Scott have other interests to attend to, I mean that of the Spanish land claimants. I repeat to you that these last dread nothing more than a fair trial of their claims in a court of justice. Hence Messrs. Benton and Scott had always an insuperable objection to the principle of reference of the French and Spanish land claims to the judiciary which is embraced in the bill last alluded to, this is the reason why these bills have been both hung in the house of representatives.

No doubt but Mr. Scott received at the same time that Mr. Benton did a similar memorial from the legislature of Missouri and I am well satisfied that he did not urge the passage of any of the two bills which provide for the reference of the claims to the judiciary or if he had, certainly the bill would have past, for the principle of reference is already sanctioned by the senate and by a committee of the house of representatives, it is just in itself and the interest of the people of Missouri as well as of the U. S. concur in giving it a legal effect.

It may well be expected that Mr. Benton will sedulously pursue during this session his favorite object. I mean the reference of the land claims to the recorder. A corresponding vigilance becomes absolutely necessary to counteract him and Scott. The St. Louis Enquirer of December 20th, 1823 contains a republication entitled "Observations on the Nature and Origin of Rights to Land in Upper Louisiana, etc." which were published at the city of Washington in the year 1820. It is stated in the prefatory remarks that that essay was submitted to the enlightened and honest man, Mr. Campbell, of Ohio, Chairman of the committee of the private land claims in the house of representatives and

met his approbation. I never had seen this essay before now. It is written with some ability and plausibility, but it stands entirely upon false premises. At any rate let the merit of the land claims be what it may, their variety is so great the laws and regulations so uncertain and their application so nice and difficult that none but the judiciary can investigate such an intricate matter and make a proper discrimination. This publication together with other circumstances makes me almost certain that an unparalleled effort will be made during the present session by the land claimants and their agents in Congress to carry their point.

You may safely alarm your friends and prepare them in due time both in the senate and house of representatives to resist Messrs. Benton and Scott.

Respectfully,

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St. Louis, November 28, 1823.

(This letter was put in mail December 12, 1823.)

John W. Taylor,

Sir:—Although I have already written you a long letter, and that lately too, on the subject of a bill reported in the Senate on the 19th of February last by Mr. Benton from the committee on public lands, the importance of the subject however and the unaccountable departure of the Senate from the course they had taken before in passing such a bill is really alarming and requires all the vigilance of the house of representatives. Mr. Benton is one of the most artful men I know of. After having indulged in every abuse as editor of the St. Louis Enquirer against every member of congress opposed to his views and wishes whilst the Wm's question was pending, and particularly the mem-

bers from the free states in general. I inferred that by dint of hypocrisy and affected blandness he has succeeded in obtaining the good will and confidence of some of the members in the Senate, of whom he has before spoken with acrimony and contempt; this accounts in part for having succeeded in having his last bill passed through the Senate. I hope that it will be remembered that there are two bills on the file of the house of representatives, one from the Senate, the other has originated there. Mr. Scott ought to be asked why he don't call up these bills; he is the mere echo of Mr. Benton and he will tell you all what Mr. Benton will give in charge to say. These two gentlemen dread as much a reference of the Spanish land claims to the judiciary—as a guilty person would a fair trial. They are conscious of the total absence of legal merites of their claims even of a legal incipieny in the greatest part of them.

Mr. Lowndes from South Carolina and several other members of Cong. who are either dead or have ceased to be members, were, to my certain knowledge, perfectly sensible that the report of the commissioners on the French and Spanish land claims although not conclusive against the claimants ought to go for something and the least avail it could be of, was to inform the consciences of the members of Cong. so as to induce them to pass an act to enable the claimants to put in litigation the claims reported against; it was in consequence of his that bills to that effect were respectively reported to both houses, and nothing but the intrigues of Benton and Scott have prevented the final passage of one of them. Both bills are still on the files of the house of representatives, and if they are abandoned to give preference to the late bill of Benton,

Congress will become the sport and instrument of the cupidity of the land claimants. But why should Congress throw off its responsibility upon an obscure individual such as a recorder of land titles in Missouri must be. Why not give away the public lands at once and be directly accountable to their constituents? Why put in a single individual—the power to mislead Congress? Why should he be exposed to the greatest temptation of being bribed? for there remains no doubt with me but that bribe will be offered to him one way or another. At all events, should the Bill of the Senate reported on the 19th of February pass the house or representatives, it certainly could not be without material amendments; not less than two commissioners ought to be added to the recorders, with an agent to cross-examine the witnesses of the land claimants; to rebut their testimony by other testimony; to meet their arguments, etc.; to inform and check the commissioners; the congress has pursued a ruinous economy in legislating on land claims and particularly so in the act of the 14th of April, 1814, entitled An Act for the Adjustment of Land Claims, etc. You will not suspect, I hope, that I suggest the creation of offices that I may have the chance to fill one of them. I was, not more than four or five months ago, appointed one of the commissioners to examine the titles and claims to land in west Florida, and I declined the appointment; and even now I am decidedly of opinion that the last bill ought to be negatived and that the reference to the judiciary ought to be insisted upon as a principle of legislation, safe and consistent with the opinion of a great many former members of Congress who had better opportunities of being acquainted with the subject than the present ones.

I should not have entered into these long and perhaps tedious details was I not solicitous that my self-denial of all opportunities of sharing in land speculation and the sacrifice I have made of my peace and popularity together with my official labors should be productive of some benefit to my country.

I am respectfully,

P. S.—Mr. Scott ought to be particularly watched towards the end of the session, when many members are gone off and when those that remain have become less vigilant and attentive. I have somewhere among my papers, a newspaper containing one of Scott's former electioneering land bills, in which he states that he owns Spanish land claims. If I can find it I shall enclose it to you; independent of this I know that he's Spanish land claimant.

J. B. C. L.

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St. Louis.

(No date written and sent by mail 7th November,  
1823.)

Hon. J. W. Taylor,

Your letter of 21st of Feby., 1823, together with the bill from the Senate, reported in Feby. by Mr. Benton from the committee on public lands to which was referred the memorial of the legislature of Missouri on the subject, was duly received. I have been informed that the same has passed through the senate with an important amendment and is now on the file of the house of representatives. All the preceding bills and resolutions on same subject which have been heretofore reported by Messrs. Benton & Scott were mere feints and false attacks. They never deprecated any-

thing so much as to have these claims referred to the judiciary. Mr. B. is now in earnest. The land claimants had such good terms with the recorder of land titles under the act of the 14 of April, 1814, that they feel the greatest encouragement to have again their claims referred to the same tribunal. They had more than 500,000 acres of land confirmed by that officer without law or shadow of it. True it is that by this bill nothing but opinions are given, but it was so too under the act of 14 of April, 1814, and these opinions received the sanction of Congress. This bill far from pursuing the memorial of legislature stands in direct opposition to it. The legislature prays for a prompt and speedy decision of the claims. The bill provides for obtaining opinion. The Congress is in possession of the reports of three commissioners which contain their opinions. This is doing over the same thing for the third time. This bill ought to be negatived and the House of Representatives ought to act upon the bill which is on its file on the subject, and in referring at once the claims to the judiciary, matters will be brought to a conclusion and the end and purpose of the memorial will be answered. Whole counties are intersected by the large land claims. Communications are obstructed or rendered very difficult. The sooner these lands will be finally declared either public or private property, the sooner these evils will be removed. It ought to be remarked that there are several actual settlers on those tracts not knowing at the time of their settlement that these lands were claimed by individuals. If these lands are declared public property they will be entitled to a right of pre-emption which will secure their labor, their shelter and place of their choice to themselves and numerous families, if not they will

be ruined and put in a desperate situation. The strange expression of the bill, to-wit: what claims in his opinion are entitled to the indulgent consideration of the government of the U. S. present an inconsistency. Such indulgence might prove very treacherous, for whilst large tracts of land would be given away under frivolous considerations, the actual settler would be bereaved of the benefit of right of pre-emption although never so willing to pay the accustomed price of the land.

Respectfully, &c.,

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Jany. 27, 1824.

(Way mail letter.)

J. W. Taylor.

Seeing from the proceedings in Cong. that the act regulating intercourse with the Indians will probably be revised and amended, permit me to state to you that so long as licenses will be granted to trade with the remote Indians, as is provided by a subsequent act, the practice of trapping by the white will continue. Hostilities and pillage by way of retaliation on the part of the Indians will also continue. If the british have the good will and preference upon us in trade, it is because they carry it fairly. They leave to the Indians exclusively the rights and benefits of hunting and trapping. Should a military force be posted higher up the Missouri the points of contact would increase in the ratio of its further advancement and the consequent increase of collision would multiply hostilities. There would be then as much reason to march from the post 500 miles west as there was this year for marching against the Vicaras.

I beg leave to remark that General Ashley, together with his partners, marched from St. Louis with no less

than 150 men. It is evident that such a number of men were not necessary for the purpose of trade, they were to be employed at hunting and trapping. They were actually hunters and trappers. The bonds given can also show the quantity of goods taken for trade.

In turning to the documents lately submitted to Congress by the Secy. of War it will be seen that the license granted to Genl. Ashley was to trade only in deed, it could not be for trapping. It is also reported and uncontradicted, that when he was attacked by the Vicaras he was in the very act of buying horses from the Vicaras. This kind of trade is unauthorized by a general license. There must be a license for that special purpose. See 10th Sect. of Act of March 30, 1802.

I cannot discover that Mr. Ashley had such a one, nor do I believe he had it. He was then a wrong doer, (trespasser) and the public money is spent and American blood spilt to arrest and support wrong doers, (violators of the law). It is understood that two Vicaras Indians have been killed the year before by a party of white hunters belonging to the Missouri Furr Company.

These facts and remarks I presume may be of some benefit. If they are not I have presented them with the purest intentions.

Yours respectfully,

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St. Louis, Jan'y. 18, 1825.

J. W. Taylor,

Sir:—The Spanish and French land claimants in Missouri despair so much of having their ends accomplished by the last act of Congress entitled "An Act Enabling the Claimants of Land, &c.", that out of sev-



tral thousand claims they have only brought before the district court 4 or 5 of the weakest kind too. This clearly indicates that they are going to try their best through Messrs. Benton and Scott, their partners or agents to have the act amended one way or another.

Permit me to observe to you that the present act is perfectly and abundantly adequate to all the purposes of obtaining justice if they look for nothing else, but I am persuaded from an intimate knowledge of the merits of their claims that they dread nothing so much as justice. Therefore if they are not very closely watched they will introduce and try to carry some amendments which at the 1st blush may appear innocent and harmless, but whose effects will most probably be overreaching. At the express request of the judge of the district court and of the district attorney for Missouri I have taken part in behalf of the U. S. in an argument before that court against a claim derived or pretended to be derived from the Spanish government for 10000 arpens of land. This is the 1st claim brought before the court of the U. S. under the act to try such claims. I need not to say that this circumstance has opened wider than ever the breach existing between the land claimants, their adherents and myself. I shall speak again in the same case at the next term of the court in March. I shall act consistently from the beginning to the end. I am,

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St. Louis, December 13, 1825.

J. W. Taylor,

Sir:—I hope you have received before this a small pamphlet containing an abstract of argument which I

delivered before the District Court of the U. S. for the state of Missouri, on one of the Spanish land claims.

The court has delivered an opinion which sustains almost all the positions which I have taken. The judge, however, has intimated that he would wish to obtain various Spanish laws, decrees and orders of the King which are referred to in some of the laws which have been produced in court. He has lately applied to the Secy. of State for these laws. They are in a book entitled ..... which is the Secretary's of State office. He has declared that in case he could obtain those laws he might modify or change his opinion. I know, however, enough of the Spanish laws on the subject of the disposals of the royal domains to be perfectly satisfied that the better the laws are known, the less chance there is for the complainant.

In perusing my argument and the authorities to which it refers you must certainly be astonished to see how baseless and frivolous these claims are. It fully accounts for the insuperable objection Mr. Benton and other agents of the Spanish land claimants had against referring them to a court of law, and for his strenuous efforts to have them referred to the recorder of land titles. If he had succeeded, it would have ended with all the remaining claims pretty much as it did with a certain description of claims under a former act of the 12th of April, 1804, that is in a *hocus pocus* way.

I am informed that Mr. B. intends, during the present session to obtain an extension of the time to bring these claims before the District Court. I assure you that he is hopeless for these claims before any court of law, and if he wishes more time it is for the purpose and in hope to recur to new shifts and avoid the court in the end. Permit me to observe that several counties are inter-

sected by those large claims, that so long as they remain undecided the settlements remain disconnected, weak and unable to make roads with sufficient bridges. It must be obvious to you that Mr. B. need to be closely watched. Probably you have it in your power to put some of your friends in the Senate on your guard. You know, I presume, that he has fallen out with Scott and Barton. I should like to know to what persons it would be advisable to direct a number of the same pamphlets which I can dispose of. Would you be so kind as to give me a list of names. I am sir,

Respectfully, &c.,

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St. Louis, Feby. 10th, 1824.

(Letter substance.)

J. W. Taylor,

Claim land of H. Reddick if derived from Spanish or French government ought to partake with the fate of similar claims. If claim not better than him, little worth. He was made president of bank because no man of character would accept. He was president when it failed. It appears that Mr. Scott has reported a bill to try the validity of French or Spanish claims. Perhaps some clause may be introduced to trammel court. All the questions of laws ought to be left to court even as to time when Spanish officers could issue concessions. They ought to stand in court with respect to the U. S. as individuals stand with respect to each other.

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St. Louis, February 25, 1824.

John W. Taylor,

Sir:—I have received the two bills which you have enclosed to me. I beg leave to refer you to my former

letters, particularly on the subject of the principles which ought to govern in case the validity of claims should be tried before a court of law. The bill which has originated in the house of representatives of Jan'y. 15, 1824, first comes before my notice.

I humbly suggest the following amendment of the 1st section of the same, to-wit at the 4th line strike the words, claiming lands, &c., and ending at the 23d line with the word representatives and insert in lieu thereof the following, to-wit: who has been heretofore filed for record agreeably to law in the office of the recorder of land titles for the territory of Missouri any claims stated to be derived from or under the authority, laws, regulations or usages of the French or Spanish government.

In striking and inserting the foregoing as substitute, the object is to avoid trammelling or shackling the court and leave it to the important question, when and how long the Spanish government had the power to alienate the public domains. For my part I am perfectly satisfied that from the date of the treaty of St. Alphonse the king of Spain held Louisiana as a mere trustee, that is to say, that he had the power of administering the government but not of alienating the domain, much less had it after the 23d of December, 1803, which is the time when the U. S. took possession of New Orleans; for the taking possession of a part is in law and reason, taking possession of the whole.

As to the bill reported by Mr. Barton in the Senate, which by a late information I learn that it has past through the Senate. The event has fully justified my anticipations. Mr. Barton and his partners the land claimants read nothing more than a trial of their rights according to the due course of law. There is such a

mass of fraud and perjury that it cannot be sifted and unravelled, but in a court of law the bill in question is under every respect incompetent to attain a proper and just object. I understand that it has been contended in the Senate that the U. S. have the right to decide on the Spanish claims as the king of Spain would or could have done. He certainly could do it through his intendent who had a ministerial or administrative power. To this I agree, but the judicial proceedings leaves still less cause of complaints with respect to the claims that may be rejected, whilst it is a much safer way and of course more expedient for the U. S. But should the leading principles of the bill be retained, to-wit: the reference to the recorder. The great importance of the subject as it matters to bring claims to a great and valuable quantity of land to a final decision requires the best guard and caution in the mode of proceeding. Nothing is more ruinous some times than an improper economy. 1st, I think it would be proper to add two commissioners to the recorder with such salaries as to induce independent and respectable men to accept. There must be men above the temptation of bribes, firm and proof against cajoleries and threats. 2nd, Power ought to be given to summons witness in behalf of the U. S. to compel their attendance, to answer to proper questions and of course the commissioners ought to have the power to order the marshall of the district court of the U. S. to attend their sitting, to execute their process and to make return. 3rd. The district attorney ought to be directed to appear before the board and give attendance in order to cross-examine witness of land claimants, procure testimony in behalf of U. S., to rebut, etc., to argue on the most important occasions, to file his exceptions to the decision of the board and have them

inserted in the report of the commissioners and in order that Congress may affirm or reverse from proper data. 4th. The commissioners ought to be directed to head the report of each class of claims with an abstract of the laws of France and Spain respectively, regulating the mode of granting land, with their leading reasons for confirming or rejecting under those laws. Unless such a thing be incorporated in the bill, the power of congress will be a check merely nominal, for want of authority to exercise their discretion by.

Respectfully,

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Substance of Power of Atty. to George Tompkins, Esq.,  
Dated 16th Nov., 1819.

To sell a certain tract of land of the estate of Charles Lucas in Howard County, six miles from Franklin, containing six hundred arpens of land, more or less. The same tract which was granted to Gabriel Dodie by Charles Dehault Delassus, Lieutenant Governor, &c., on the following terms, viz. at the rate of one dollar and  $\frac{5}{8}$  of a dollar per acre, payable one-third in hand,  $\frac{1}{3}$  in one year and  $\frac{1}{3}$  in two years, all the payments to be made in money receivable at the land offices of this territory at the times of the payments, &c.

Certified before J. Charless, J. P.

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16th Nov., 1819.

G. Tompkins,

Having received an offer from Mr. Joseph Simpson of your county for a tract of land six hundred arpens originally granted to (manuscript destroyed) not acceded to our terms in every respect. Perhaps it may appear to you expedient to advertise it in the In-

telligence for sale. You will use your discretion on that point. We incline, however, to sell it immediately upon the terms mentioned in the power, if you should not see very fair prospects of effecting a better sale very soon. We wish that you receive no money in payment but such as may be good in the land offices, or, if possible, such as would be bankable at the bank of Missouri, as that institution governs the currency for the most part in this town. I am also disposed to sell the fractional quarter section which I bought adjoining it, upon the same terms I got it for. If you should find sale for it please advise me of it in order that I may give you the necessary power to sell it which want of time prevents me from doing now. I should be glad to know when my demand against Moyan will be recovered. Any other information respecting our property in your quarter which (manuscript destroyed).

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Dec. 15, 1819.

G. Tompkins,

I send a copy of the deed to C. Lucas from John E. Allen. I shall send the original by the first safe opportunity, to be recorded. I wish you to reserve a mortgage upon the land as a security for all the consideration money, and until it is all paid. This condition is a sine qua non.

(Sig.) JNO. B. C. LUCAS.

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Dec. 17, 1819.

G. Tompkins,

Your two letters, the 1st of the 27th of Nov. and the 2d of the 4th of Dec. have been received. I answered the last by my letter of the 15th inst. The other had

not then come to hand. In compliance with your request I forwarded to you at the same time a certified copy of the will of C. Lucas deceased, together with a copy of the deed of John E. Allen & wife to C. Lucas. I am informed by W. Lucas that he left the whole of them at the lodging of Maj. Gauteg who had previously consented to take charge of them. I discover by the instruction you demand of me "what is the proportion between an acre and arpent" stating at the same time that you are directed to sell by the acre. This being a part of the contents of your letter of the 27 of Nov. which was received yesterday, it remains now with me to inform you that I was obliged to turn to a copy of the power of atty. to be satisfied that such a gross mistake had really taken place, for as the purchase has been made by arpens, it was also our full determination to sell by arpens. True it is that Mr. Simpson in his letter to me designated the land originally granted to Dodie as containing 600 acres, but turning to a copy of my letter in answer to his of the 28 August, I find the following, "the tract don't contain 600 acres, it only contains 600 arpens" thus you see clearly that we did not intend to sell by the acre, much less to ask but one dollar and  $\frac{5}{8}$  per acre, and Mr. Simpson is perfectly acquainted therewith from which it follows that the word arpent was intended to be inserted in the power, and that the word acre has been inserted thro mistake and contrary to our intentions, therefore I need not to ascertain and inform you of the proportion or difference that exists between an acre and an arpent, but knowing perfectly that the intention of Mr. Hunt was the same as mine, I beg leave now to instruct you not to make any sale of the land for less than one dollar and five-eighths of a dollar per



arpent. Lest my letter of the 15th inst. should not reach you in time I shall state again here that the understanding of Mr. Hunt and myself is that in all sales and particularly in the sale of this land a mortgage be reserved until the whole of the consideration money be paid, therefore we wish that you may be informed of it as no mention is made of it in the power, altho nothing is said in the power of Atty. of the fraction for which I have a certificate, which is adjoining the 600 arpens. I am still willing to dispose of it for the same price that I am bound to pay for it.

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January 6th, 1820.

George Tompkins,

Sir;—We received a few days ago, a letter from Mr. Marcus Williams informing us of his desire to become the purchaser of an acre of ground lying about a quarter of a mile south of the public square in Boonville, on a branch which empties into the Missouri below the town, being a part of the tract owned by Morgan, Peck, and Lucas, and which is undivided.

We would prefer to sell him an acre somewhere immediately adjoining the town, in order to avoid cutting up the tract. However we would leave it to your judgment and your superior knowledge of the situation, we therefore request you to inform Mr. Williams of our disposition to encourage mechanics to settle in that town, and of our willingness to join with the other proprietors in the sale of an acre of ground to him at the place which you and himself may agree upon, and for the price and terms you may fix, and we promise to confirm all which you shall lawfully do in the premises and make the necessary conveyance, &c.

We have answered all the letters which we have received from you and sent you the papers you required by Maj. Gentry.

We, sir, depend upon your being particularly attentive to our interests in any transactions you may have in our behalf.

(Sig.) JNO. B. C. LUCAS.

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February 11th, 1820.

George Tompkins,

I have received a letter from Joseph Simpson dated 7th of January, in which he complains of my disagreeing to the terms expressed in the power of attorney which I sent you and insisting upon those terms. Had there not been a plain understanding between J. Simpson and myself on the subject of the six hundred arpens of land, previous to any power of attorney being sent you, and did I believe that Mr. Simpson had misunderstood my terms, I might think of entering into an explanation with him, but as I believe he understood my terms perfectly, and that his object is not to obtain the land upon the terms agreed upon between us, but to take advantage of an error or mistake made by Will Lucas in writing the power of attorney, and there was a perfect and plain understanding between Mr. Simpson and myself as to the terms of the sale. It is not reasonable that we would change our terms and ask less for the land after Mr. Simpson had explicitly agreed to those we had proposed to him, as appears by the following copy of letter which I received from him.

(Here follows the letter.)

We wrote you an explanatory letter on this same subject in order to show you that a mistake was made

in the power of attorney and in order to enable you to carry into effect the real agreement between Mr. Simpson and us, and we now write you this to enable you to repel any reflections which may be made in consequence of this mistake, and also to repeat our willingness still to carry into effect our plain and real agreement with Mr. Simpson if he chooses to adhere to it as contained in his letter above copied.

JNO. B. C. LUCAS.

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July 19th, 1820.

G. Tompkins,

As you will have the opportunities to converse with Mr. Wallace and other gentlemen of the convention, and hear of them the various incidents worth to be noticed, I shall confine myself to stating simply that I and Mr. Hunt are perfectly agreed to join with the other proprietors of the town of Boonville to make a donation of a lot of ground in the same town of Robert Wallace, Esq., as a compensation for the trouble and expense which he has been to aid in having the seat of justice fixed at that place, relying entirely on your discretion and esteem. I beg leave to inform you that I have thought be useful in filling a seat in the Senate of the U. S. If you are of the same opinion, I hope you will be so good as to use your influence to that purpose. I hope I shall have the pleasure to see you in the legislature. I expect to be opposed in my pretensions by the Spanish land claimants and their associates. My sole dependance rests upon those that pursue the interest of the country in general. I am, &c.,

J. B. C. L.

St. Louis, April 7th, 1821.

George Tompkins, Atty.

Dear Sir:—Your two letters have been received, the 1st dated 27th February last, the other 17th of March.

Mr. Boonsfield called and intimated a wish to undo the bargain which Mr. Simpson has made for him. This induces me to suspect that the difficulties which he now makes do not arise from an opinion of the insufficiency of the title, but because he is displeased with his bargain under other considerations.

I send you by Col. Buckhart the original deeds of John E. Allen, and as it has not been recorded you will be so good as to have that done before you deliver it up either to Simpson or Boonsfield. You will also be so good to take a receipt for the same.

I send you also by the same hand a certified exemplification of the letters of administration which you demand. I enclose you likewise a note under seal from the 3d, Joseph Simpson for \$325 for the use and benefit of the representatives of C. Lucas, deceased, which is now due, and which you will be pleased to collect as soon as possible. I am,

Respectfully, &c.,

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St. Louis, May 1st, 1822.

Geo. Tompkins,

Dear Sir:—Having received, directly and indirectly, great encouragement to become candidate for Congress since I had the pleasure of seeing you last, I have strong reasons to believe that I should be acceptable as such to a majority of the people, nevertheless I have no private object in view, not even the expectation of bettering my political standing. I will not stand a poll un-

less the strongest probabilities of success are on my side. I therefore beg leave to request you to tell me frankly your opinion or your guess whether it be near or distant of the support which I may expect within the county where you reside.

The opinion which you and other friends to whom I have made similar applications, will impart to me on this subject will have great weight on my future determination. You are, no doubt, aware that my sole dependence for support would be on those who have no interest variant from that of the public.

The favor of your answer is expected as soon as may be convenient. I should have been more explicit with you when I was at Franklin if my views had been as distinct as they are now. I also felt a great delicacy on the occasion, and even at present I beg of you to understand that whatever your opinion may be, I shall consider it as being entirely distinct and independent of your own choice. Dear sir, I am,

Respectfully, &c.,

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St. Louis, Augt., 1823.

Geo. Tompkins,

(Letter requesting him to inform me of what has been the dividend obtained for the benefit of C. Lucas out of the estate of Assa Morgan and also to notify Patten and Cleveland that having paid for one subscription, I stop taking their paper, not because I am displeased, but because I am necessitated to curtail expenses, &c.)

Respectfully,

St. Louis, Jany. 11th, 1826.

John Vaugel,

(Inform him that Coles paid no money to me. White Butcher in possession of the house. Shattle prove partnership with Fry in both houses. Spalding says it could not be proven that Shattle had in hand any partnership property. Wish to have two laborers. Glad and thankful if Vaugel can procure them. They ought to come not later than 1st of April. The sooner the better.

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Joseph Walton.

(Answer to about renting farm where Williard now lives.)

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Feby. 7th, 1826.

Isaac Van Nortt,

(Answer to, concerning a young lawyer wishing to have opinion as to best place to locate himself south of this. Advise him to go to Arkansas, &c.)

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St. Louis, September 4th, 1818.

James Vanuxem,

Dear Sir:—Your favor of the 30th of June has come to hand some days past by which you inform me that a Mr. Wm. Robinson paid Mr. Clark of the firm of Vanuxem and Clark, \$272.72, which Mr. Barnet, consul at Paris, desired him to pay to you fs. 1500 which he received from Mr. Laurent of Rouen for my account. In pursuance of this information I have drawn on Vanuxem and Clark of Philadelphia in favor of Kerr & Bell for the sum of two hundred and seventy-two dollars, by my letter of exchange, dated St. Louis, Augt. 22d, 1818.

Owing to an extreme pressure of public business I have delayed longer to write than I did wish. I should have been very happy to see you at Morisville. It was late in the evening when Mr. Duponceau informed me that he had seen you the same day. I had then made my arrangements to leave Philadelphia early next morning.

I repeat you my thanks for the trouble you are at on my account. I am, dear sir,

Respectfully, &c.,

J. B. C. L.

James Vanuxem, Esq.

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St. Louis, September 13th, 1817.

General Walton,

(Letter to, thanking him for his politeness to Charles; introducing James and requesting him to advise him in the purchase of a horse.

Informing him that probably I shall call next fall or winter at his house.)

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St. Louis, Feby. 3d, 1817.

Thos. Wilson,

Dear Sir:—I intended to write to you by one of my sons who left this place in the latter part of November last to go to visit Washington and some other eastern cities, but through the hurry of his departure, my object has remained unaccomplished until now. I regret to have missed the opportunity of procuring him an introduction to you. Probably you remember to have seen Alexander McNear at Washington about two years ago. He was so successful then as to be appointed register of the land office for the territory of Missouri. He had the policy when he left

Pennsylvania about two years ago to leave also behind his federal character, and make his appearance in this territory as a zealous democratic republican, but if he has not preserved consistency in politics, he is still the same as to his intolerant spirit and tyrannical disposition. He has been at this last election here as much intriguing, boistrous and overbearing as he ever was formerly at Lake Erie. It is singular, nay it is to be regretted that such a federal bully, unqualified under every other respect for the office he holds has been imposed upon the government, whilst we have worthy and meritorious characters unemployed, probably several of whom would feel gratified and benefitted in having such a situation.

I have written sometime ago to Mr. Josiah Meigs the commissioner of the general land office, and among other things I have given him a hint of the indecorous interference of Mr. McNear at the last election for this territory, and taken the liberty of referring him to you for more particulars concerning the federal bullying character of Mr. McNear when he used to live in your part of the country. It is necessary, in my opinion, that his true character be known in Washington. It would be still much better had it been known sooner. I hope you will do me the justice to believe that I know too well my situation to be any way active in matters concerning elections. I have even forborne voting. I rode out in the country on the day of last election and was the whole day absent several miles distance.

I presume you have decided before this time on the disputed election between Messrs. Scott and Easton. I am well satisfied that had the underlings of the governor let the people act for themselves, Mr. Easton would have had a majority of several hundred.



I make no doubt but that great efforts are making to procure the passage of an act in Congress in favor of the claims remaining unconfirmed for land situate in the territory of Missouri. I remember that you asked my opinion about the merits of a bill on the same subject that originated in the House of Representatives whilst I was last at Washington, and which was after my departure generally postponed in the Senate. It was then of no use to give it for at that time the bill was passed. If any bill on the same subject has been reported this year, it is presumable that it pursues the same principles; in this case nothing can be more prejudicial, nay, more ruinous. I could not give you the reasons of my opinion on this subject without entering into details which could not find room here. Let me only observe you that the act of congress for the final adjustment of land titles in the state of Louisiana and the territory of Missouri, dated April 12th, 1814, has departed from the fundamental principles governing all acts heretofore passed on that subject, the first of which is in 1804; the last in 1812. That this innovation virtually covers all antedating and fraud, that it operates as a wedge to introduce the residue of claims unconfirmed and produces over-reaching effects. It impairs materially the right to the domain acquired from the French government by the United States which the treaty of Paris declares to be in the same extent and such as it existed at the date of the treaty of St. Ildefonso. The interest of claimants to land here has been much extended beyond its former limits by a multiplicity of sub-divisions and transfers. Its force and weight has more than proportionately increased. I live

in the middle of them, this circumstance urges me to request you to consider this communication as confidential.

Respectfully yours,

J. B. C. L.

---

St. Louis, March 6th, 1826.

Wm. Wirt,

Sir:—Lest a printed sketch of an argument which I have delivered before the District Court of the U. S. for the state of Missouri in the case of Antoine Soulard vs. the U. S., should have been miscarried, I enclose you another copy. To the reasons stated in the preface thereof for taking part in that argument I shall merely add that as neither my father nor myself bled or suffered for the attainment of the independence of the U. S. it is but just that I should make up the deficiency of desert on that score by using every endeavor to serve the country and save me as well as my posterity from the reproach of being intruders or political parasites in the American family.

Considering that the case now before the Supreme Court is not only important in itself, but involves principles common to almost all other Spanish claims, I have thought it might be of some utility to submit to you a few additional remarks.

The counsel of Antoine Soulard having assumed that the concession of his client is recognized and protected as entitled to confirmation at least to the extent of a league square by the laws of Congress heretofore made on the subject of such titles, I have committed an error at the bottom of the 22d page of my argument in the following. I know of no acts of Congress on the subject of French or Spanish land claims that do not refer to

the laws of the government from which they are derived but the act of the 12th of April, 1814 although this act may dispense with various requisites known to the Spanish laws. The 1st Section provides thus, that every person or persons or the legal representatives of any person or persons claiming land in the state of Louisiana or the Ty. of Missouri, by virtue of an incomplete French or Spanish grant or concession or any warrant or order of survey which was granted, &c., &c., or actually located or surveyed, &c., &c., by a surveyor duly authorized by the government making such a grant, such persons shall be, and they are hereby confirmed in their claims. Admitting for the sake of argument, that the act just quoted, may operate upon claims other than those which have been reported by the government and finally confirmed by Congress,—yet it cannot apply to the present case, as it has been made out in my argument Simon Trudeau had not the power to issue a concession for any quantity of land and if he had it could not exceed the quantity mentioned in Gen. O'Reilly's regulations which was limited to six or eight arpens by forty. The word, incomplete Spanish grant, lose as they may appear to have a definite meaning, it cannot be a Spanish grant unless it is issued by the proper Spanish officer or otherwise an officer legally authorized for that purpose, it must necessarily have a legal incipieny. It must have been surveyed by a surveyor duly authorized by the government in which the right of domain was vested. This right was in the French government from the date of the treaty of St. Ildephonso, 1st October, 1800, for although the cession of Louisiana by Spain to France depended upon a condition precedent, to-wit, the investitive by France of the Dutchy of Parma to a Spanish prince, yet as soon

as the condition was complied with, the right of France had a commencement from the date of the treaty, and the king of Spain ceased from that time to have any power over the domain and held the sovereignty and the right of proprietor of the royal domains. Being distinct, the sovereignty might be exercised without interference with the right of domain. In fact the king of Spain could not dispose of the domain without impairing the contract or treaty of St. Ildephonso. Of course all the powers of his officers appointed for the disposal of the domains by the concession surveyor otherwise had ceased and determined from the date of the treaty and any disposal of the domain by such officers after that date were mere nullities. As the act of Congress only provides for confirmation and not for donation there must necessarily be a legal incipient to confirm by. The alleged concession of Soulard is wanting that requisite, hence his case is not within the provision of the act before cited.

If it should be decided that the Spanish registry is not a requisite to authenticate concessions, the surviving Spanish commissioners might now win as many concessions as they please. I firmly believe that there are reams of it already made. The flood gates for fraud would be wide open. There would be no guess where it might stop. As the act giving jurisdiction to the District Court over these claims dispenses with the requisites of the preceding acts of Congress, viz: that notice of every French or Spanish claim shall be entered within a given time in the office of the recorder of land titles, together with the written evidence of the same, and that no evidence shall be admitted in any court of law of any claim which shall not be thus recorded.

Although the documents here enclosed cannot be exhibited in the case of Antoine Soulard now before the Supreme Court, I nevertheless have thought it expedient to transmit them to you.

The document marked "A" goes to invalidate the deposition of Soulard as to the existence and loss of a concession in his favor for 10000 arpens. There cannot possibly be any state secrets in the disposal of the king's domain, and the refusal of Soulard to answer questions on such matter is unjustifiable and raises the strongest presumption of fraud.

The document marked "B" shows that little reliance is to be placed in the registered arpentage kept by the surveyor Soulard. The two concessions on which the survey is predicated give the Mississippi as boundary on the east and on the west the road of Carondelet. The erasure marked by the dotted line was the place where the road went. The new line removes the road further west. N. B. the surveyor Soulard has come into possession of that tract of land in the right of his wife. The glueing of a leaf, &c., are all circumstances strongly indicating fraud.

The document "C" presents two instances of the conditions of concessions and the actual reunion of land to the domain. For want of compliance with conditions and of regranting the same, it also shows the usage or practice of regranting still continued as late as 1793. What had been granted in 1780 to another is made by Trudeau. The very same commandant who has issued the alleged concession in favor of Soulard.

The document "D" presents numerous instances of reunion made to the domain of land first granted and regranting the same for want of compliance with conditions, and also the greatest quantity of land contained

in grants from 1766 to 1786 which establishes a usage and practice. Conform with the regulations of O'Reilly, I mean as to quantity and conditions.

Document "E" contains the regulations of O'Reilly. They are probably in your possession, if not, at any rate, this will satisfy you that it is all important to obtain a printed copy of it. I remember that in the year 1804 the members of Congress were furnished, among other Spanish documents, with a printed copy of the same. I had one which some land claimant in Missouri has borrowed and never returned.

The foregoing documents might have been procured in due time to be used at the trial of the case before the district court if ordinary search and diligence had been used. As to me, I was unexpectedly invited to speak on the case when it was called before the court. The land claimants and their advisors are influential. The love of local popularity is the bane of republics. It requires an extraordinary share of devotion to the public weal to withstand its charms.

Respectfully, &c.,

---

St. Louis, 11th Sept., 1818.

Mr. Samuel Zadig,

In compliance with the request of Mr. Samuel Zadig to have from me before he leaves this part of the country a statement of the most prominent parts of the testimony taken before me the presiding judge of the superior court of the territory of Missouri for the purpose of ascertaining whether Mr. Zadig who had been arrested by a warrant of Judge Bent some time last July upon the charge of being accessory to larceny, should be committed or discharged. I declare that hav-

ing examined Turner V. Gibbs the person on whose deposition the said warrant was predicated, the said Gibbs who appeared to be a young man of about 20 years of age, related without any appearance of uneasiness remorse or shame a full history of a theft which he had lately committed in a store at St. Louis with circumstances that indicated that he was a perfect adept as a thief. A certain Mr. Lee, a disinterested witness, was examined after, who contradicted an important part of the testimony of Gibbs which the said Gibbs on cross-examination had repeatedly asserted. It appeared from the testimony of Gibbs taken in the fore part of the day, that Mr. Zadig was in St. Louis when he committed the theft and assisted him in concealing a part of the property stolen. It was afterward proven by a respectable witness that Mr. Zadig had crossed the Mississippi on the seventh of July in the morning to make surveys in the Illinois Territory and did return to St. Louis ten days after. This last fact was confirmed by Gibbs on a second examination who declared at the same time that he had committed the theft on the seventh in the evening. Thus an alibi was established in behalf of Mr. Zadig. The testimony of Gibbs having thus been contradicted by that of Mr. Lee, and being also at variance with itself, independent of the consideration of Gibbs extreme turpitude, I considered his testimony to be destitute of any legal force or effect and accordingly discharged Mr. Zadig from arrest. I considered Mr. Zadig as a man much injured, perhaps persecuted. He had been introduced and particularly recommended to me at the city of Washington by a person of respectability, as a man of honor and liberal information. I continued to view him as such on further acquaintance. His char-

acter and standing has not in the least been impaired in any mind by this unfortunate occurrence.

J. B. C. L.

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Saml. Zadig, Certificate.

This is to certify that having been acquainted with Mr. Samuel Zadig for five or six months, both at the city of Washington, where he was particularly recommended to me by a person of respectability, as well as at St. Louis, his conduct has always been so far as I know, that of a gentleman.

St. Louis, 11th Sept., 1818.

J. B. C. L.

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Four letters enclosing petitions against changing laws to try the validity of titles to land claimed under French and Spanish concessions, dated sometime in November, directed to Robt. P. Clark, Geo. . . . ., Stephen Glass Cook, David Jones.

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Since, Two letters not enclosing petition on subject of election to senate. Directed to Geo. F. Bettinger, Elisha Doctor Bettis.

---

St. Louis, November 6th, 1826.

(Circular or Petition to prevent, &c.)

Dear Sir:—The intended memorial here enclosed will probably appear to you wanting brevity. I have endeavored to compress the matter in as few words as possible, but there has been so much imposition practiced upon both houses of Congress at different periods, that no less could be said to convince them of the neces-



sity to be guarded against any change in the present legislation concerning the French and Spanish land claims.

I hope that the good people of your county will be alive to the true interest and that the memorial will be generally subscribed. Should they not understand sufficiently the whole subject, you will, I am persuaded, be able to give them the necessary explanations. There may be some facts which are not known to you. All I can say is that there is nothing inaccurately stated. That I drafted the memorial with the sole intention of benefitting the public, and that I make myself responsible for the truth and correctness of all its contents. Permit me to suggest that after a competent number of signers will be procured, the memorial ought to be transmitted to Senator Barton. He is the chairman of the committee on public lands and I know he is fully disposed to promote the object of the memorial. Mr. Benton has taken with him when he left St. Louis a few days since, a petition from sundry land claimants residing near or about St. Louis, to be presented to the president of the U. S. as related in the memorial his former report to the senate against the memorial of the general assembly of Missouri, together with his subsequent conduct in the senate, shows evidently that he makes the interest of the people of Missouri in general, subservient to that of the Spanish land claimants.

This petition was most probably put in train by Mr. Benton as he was their counsel and agent before he was in the senate, and as he owes his seat chiefly to the influence of land claimants, his acts in the Senate show that he is still their faithful agent.

I am respectfully,

St. Louis, Nov. 23rd, 1826.

Dear Sir:—You are so well acquainted with the interest of the State in general and particularly with the local circumstances of the country you represent, that I hope you will be fully satisfied of the propriety of circulating for subscription among your constituents the draught of petition here enclosed. The facts it contains are notorious and cannot be denied, at any rate they are perfectly known to me. I make myself answerable for their accuracy. Neither Mr. Benton nor his friends have ever attempted to justify the report he made of a bill contrary to the object of the resolution of the legislature referred in the enclosed petition. There is no other way to account for it, but that Mr. Benton preferred the interest of the French and Spanish land claimants to those of the state in general. If no other charge had been exhibited or proven against Mr. Benton, this one would be amply sufficient to disqualify him to represent the state in the senate. He was the agent and counsel of the French and Spanish land claimants before he was elected to the Senate. It was then generally understood that he had promise of contingent fees in land to a great amount. It is certain that the land claimants gave him all their support to have him elected to the Senate. His subserviency to their interest in the instance before alluded to strongly indicates that he is still their agent, though perhaps secretly. Permit now to observe to you that it is high time to have a senator independent of the land claimants. Mr. Scott is avowedly a land claimant and has been always devoted to the service of his friends the other land claimants. He supported the bill which was passed in the house of representatives during last session, for confirming a claim to land to the heirs of

Vallie. It is supposed that he has an interest in that claim. H. Gyer is at this very day the counsel of a large number of land claimants. Major Biddle, another pretender to a seat in the Senate is the son-in-law of John Mullanphy who is a land claimant to a large amount. Indeed Mullanphy might as well be voted in. You are happily situated now for the means of communication of information and of sentiments. I hope there will be a corresponding disposition among all the members well acquainted with the true character of Mr. Benton. To sacrifice personal predilections and unite in favor of some fit person in point of abilities and unexceptionable in point of character, and if possible, let it be one independent of the land claimants. Col. Reeves might be safely selected as such. If, however, you could not obtain all you wish; it seems to me that either Scott, Biddle or Gyer would be much less objectionable than Benton. I am,

Respectfully, &c.,

---

January 4th, 1827.

Sir:—The wily and active agents of the Spanish land claimants in the state of Missouri having exhausted every possible means in Congress to avoid a judicial investigation of the land claims, have at last advised the claimants to apply to the president of the U. S. for a recommendation of their claims to Congress in order, no doubt, to impose upon the legislature from a quarter not at all suspected. A petition for that purpose has been signed and addressed by the land claimants to the president, and it is, I presume, in consequence of it that the president has made a particular recommendation in his late message for the security of land titles derived from the governments of the French and

Spanish nations. Had the president thought at that time of the existence of the act of the 26th of May, 1824, entitled "An Act Enabling the Claimants to Land Within the Limits of the State of Missouri and Ty. of Arkansas to Institute Proceedings to Try the Validity of Their Claims", he would, certainly, have been satisfied that nothing further need to be done by Congress on that score; that the land claimants have now a judicial tribunal in Missouri open and competent to try the validity of their titles in due course of law, which is the highest security the commissioners of the U. S. can give to citizens where claims to right or titles are disputed or controverted. From these it clearly appears that the recommendation of the president on the occasion before alluded to is a mere surplusage. I am aware that the friends and agents of the land claimants in Congress will make use of this recommendation as a pretense to change, if possible, the present course of legislation, for the land claims are of such a character that they cannot stand the test of judicial investigation. A new effort will be made this session to have these claims shifted from a court of law to a Board of Commissioners, where the proceedings may be had *ex parte* and the laws of evidence may be dispensed with as heretofore. Having endured so much persecution as land commissioner whilst I endeavored to save the U. S. from the grossest imposition, I now feel a double interest in seeing the U. S. be not at last tricked out of millions of acres of the best land and that my labor be not unproductive of public benefit.

For further information I beg leave to refer you to the enclosed draught of petition that is now circulating for subscribers, or perhaps has already been transmitted to some members of Congress to be presented.

The foregoing is a copy of letter with small variations written to Nathaniel Mason, Wm. Marks, Mr. Stevenson, Pennsylvania Mahlon Dickenson. The same written January 18 to Edward Everet, Daniel Webster, Thomas Whipple, Thomas Newton, Willis Alston, John W. Campbell.

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January 21st, 1820.

Rufus King,

(Same as to P. B. Barbour, of the 15th January, 1820.)

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January 20th, 1820.

Wm. Hendricks,

(Same as to H. Southard, dated January 15th, 1820.)

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January 20th, 1820.

Wm. P. Macklay,

(Same as to H. Southard of the 15th inst.)

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January 20th, 1820.

Mahlon Dickerson,

(Same as to H. Southard of the 15th January, 1820.)

---

January 20th, 1820.

John Sargeant,

(Same as to H. Southard of the same date.

Copy of Draft No. 9581.

Sir:—At sight pay to R. Smith, Esq., atty. or order,  
three hundred dollars value received.

(Sig.)            THOS. T. TUCKER,  
Treas. Un. States.

To Jno. Dales, Cash.,  
Bank of Miss., St. Louis.

---

New Madrid certificate of the Recorder for 640 acres  
of land in the name of Benjamin Patterson, Senior, (No.  
338) for the sum of 2560 Dollars, conveyed to C. Fisher  
by Col. Ashley, his Atty., on the 13 of Nov. 1819.  
Obligation to return the money with interest in case  
the title proves bad.

---

(Draft to B. Pratt, January 1st, 1819.)

For 300 dollars, being part satisfaction for the draft  
for 600 dollars, which was protested.

---

Same date letter of advice to Cashier Bank U. S.

---

(Letter to W. Lowndes, dated 12th Dec., 1819.)

(The same as the letter to Mr. Rhea above copied,  
with the exception of the four first lines, and the last  
line.

(Sig.)            JNO. B. C. LUCAS.

---

(Letter to H. Mason, dated Dec. 17, 1819.)

Substantially the same as the one to John Rhea,  
dated 12 December, 1819.

(Sig.)            JNO. B. C. LUCAS.

---

St. Louis, May 1st, 1822.

Gice Dwight, Esq.,	Thos. Rodgers, Esq.,
Robert Wallace, Esq.,	Geo. Tenetti, Esq.,
Geo. Buckheart, Esq.,	Capt. Daniel Monroe.

To all the foregoing, letter of same tenor and date as the immediately preceding to Geo. Tompkins.

---

May 8th, 1820.

Sent to Walter Lawrie and Robert Moore, papers containing return of convention election piece, signed Fair Play, &c., &c.

---

February 4th, 1820.

Sent one Missouri Gazette of second of February, 1820, containing Carondelet letter and answer to it, to

Robt. Moore,	John Rhea,
Wm. Hendrick,	Samuel W. Dana,
John Randolph,	Mahlon Dickerson,
Marcus Morton,	Rufus King.
Wm. Lowndes,	

---

(Letter from Rite, Smith to Cash. B. U. S.)

Off. Dis. & Deposits,

Wash., Oct. 5, 1819.

Hon. J. B. C. L.

I have the honor to enclose a Treasury Draft for \$300 on the Bank of Miss. in payment of your last quarter salary.

R. SMITH,

---

Cashier.

(Letter of advice to Cashier Bank U. S.)

Nov. 17, 1819.

Sir:—I have drawn upon the cashier of the Bank of the U. S. by draft of this day, in favor of Bernard Pratt,

for the sum of three hundred dollars in pursuance of the information of Mr. Ritchard Smith, my agent at the city of Washington, that he had placed the same sum to my credit at the Bank of the U. States.

I am sir, &c.,

JNO. B. C. LUCAS.

---

St. Louis, November 10th, 1817.

Jonathan Roberts,

(Letter of same purport as preceding. Somewhat less full to Jonathan Roberts.)

---

(Same date.)

Nath. Macon,

(Same subject as the preceding to Leacock. Chamberlain not mentioned.)

---

(Same date.)

Joseph Meigs,

(Nothing said but of my late son Charles and Chamberlain.)

---

(Same date.)

John C. Calhoun,

(Nothing but about my late son Charles and land business.)

---

November 10th, 1817.

Jason Chamberlain,

(Inform him that I have recommended him. Name the persons that his friends from Vermont co-operate.)



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LETTERS  
OF  
HON. J. B. C. LUCAS  
FROM 1815 TO 1836.















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